92-586

Supreme Court, U.S.
FILED
OCT 5 1992
OFFICE OF THE CLERK

No. 92-_____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., (FAIR) *et al.*

Appellants

v.

SAUL WEPRIN, *et al.*

Appellees

Appeal from the United States District Court for the Northern District of New York

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JURISDICTIONAL STATEMENT

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QUESTIONS PRESENTED

1. Does an overall range of population deviation of less than ten percent preclude any argument that a State legislative redistricting plan violates the one-person, one-vote principle?

2. Is a claim of unconstitutional partisan gerrymandering of a State Assembly barred by the fact that plaintiff's voting rights for other state and legislative offices are not similarly affected?

3. Did the District Court err in holding that a redistricting plan which grossly fragments communities of interest and political subdivisions in a manner neither required by nor supporting any rational state interest was not a violation of the Equal Protection Clause?

THE PARTIES

Appellants here, plaintiffs in the F.A.I.R. action below, are as follows: THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., JUAN DE SANCTIS, AUGUSTINE C. CHEN, ONEL ALFRARO, MARGARET QUIGLEY, HELEN K. HORN, CALVIN L. WALTON, JUAN L. JIMENEZ, FELIX FIGUEROA, ALFRED HONG, EMORY N. JACKSON, JUAN DE LA CRUZ, BROOKLYN POLITICAL ACTION COMMITTEE, INC., MARTIN CHICON, RONALD TRAVIS, MARTHA HOWLETTE, LOUIS DEGUZMAN, MARION PHILLIPS, BAY RIDGE COMMUNITY COUNCIL, INC., TOWN OF CATSKILL, GREENE COUNTY, BUFFALO COMMON COUNCIL, AND GEORGE K. ARTHUR.

Appellees here, defendants in the F.A.I.R. action below, are as follows: SAUL WEPRIN, both Individually and as Speaker of the Assembly of the State of New York, DAVID GANTT, both Individually and as Co-Chairman of the Legislative Task Force on Demographic Research and Reapportionment, DEAN SKELOS, both Individually and as Co-Chairman of the Legislative Task Force on Demographic Research and Reapportionment, MARIO CUOMO, both Individually and as Governor of the State of New York, STANLEY LUNDINE, both Individually and as Lt. Governor of the State of New York and as Presiding Officer and President of the Senate of the State of New York, THE NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT, THE SENATE OF THE STATE OF NEW YORK, THE ASSEMBLY OF THE STATE OF NEW YORK, and THE BOARD OF ELECTIONS OF NEW YORK STATE.

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Appeal from the United States District Court for the Northern District of New York

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JURISDICTIONAL STATEMENT

In this state legislative redistricting case, appellants submit this statement disclosing the reasons for their appeal from the final judgment and *per curiam* opinion of a three-judge court for the United States District Court for the Northern District of New York. Appellants alleged several violations of federal constitutional rights, including population inequality, racial gerrymandering and partisan gerrymandering. The District Court, following an abbreviated summary trial, found no violation in the new districting plan for the New York State Assembly.

OPINIONS BELOW

Several memorandum opinions and orders are included in the Appendix accompanying this Statement. The post-trial opinion of the three-judge panel is dated July 2, 1992. This opinion was subsequently amended August 19, 1992. There was a multiplicity of parties and actions with respect to the validity of the legislative redistricting plan. Several of these were consolidated in the federal court action. The only difference between the original July 2, 1992 opinion and the amended version of August 19, 1992 relates to the "Background" section in which the three-judge court reviews the tortuous path taken by this litigation. Only the amended version is included. *See Appendix A.*

In addition several earlier opinions which addressed preliminary motions, amendment of the plaintiffs' complaint, and the validity of the 1983 plan, are included for reference. *See Appendixes B-G.*

JURISDICTION

Appellant's complaint below sought injunctive relief against the enforcement of a New York Assembly redistricting statute pursuant to 28 U.S.C. §§1331, 1341 and 2284; 42 U.S.C. §1973j(f); and 42 U.S.C. §1983. Declaratory relief was sought pursuant to 28 U.S.C. §§2201 and 2202. The three-judge court was convened pursuant to 28 U.S.C. §2284. The order and judgment of the three-judge District Court was filed July 9, 1992. It dismissed the Appellant's complaint with prejudice and denied Appellant any relief. A timely notice of appeal was filed on August 6, 1992. Jurisdiction of this appeal is conferred on this Court by 28 U.S.C. §1253.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

This case arises under:
(a) Section I of the Fourteenth Amendment of the Constitution of the United States which provides, in pertinent part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.;

(b) the First Amendment to the Constitution of the United States which provides, in pertinent part:

> Congress shall make no law ... abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.; and,

(c) Chapters 76, 77, and 78 of the Laws of 1992 for New York State, the portion of which pertains to the redistricting of the New York Assembly being appended to this Statement in the Appendix. *See Appendix I.*

STATEMENT OF THE CASE

During 1990 the U.S. Bureau of the Census conducted a census of the United States, including the State of New York, pursuant to the Constitution of the United States, Article I, Section 2. The results of this Census showed that there had been a significant shift in population among New York State Assembly Districts since the 1980 Census. Based upon the 1990 Census enumerating the population of New York, it was the duty of the New York Legislature under the United States Constitution, the Fourteenth and Fifteenth Amendments thereto, to enact a new district plan for the members of the New York Assembly.

The New York Legislature spent the major portion of the prior decade preparing for this process. It created the New York State Legislative Task Force on Demographic Research and Reapportionment ("Task Force"), controlled by the partisan majority of each chamber, to perform the drafting of redistricting plans for the consideration of the Legislature. A vast amount of election and other political data was amassed, sophisticated equipment and software purchased and professional staff retained. An Assembly plan was drafted by the Task Force with the intent to invidiously discriminate against an identifiable group, Republicans.

The original complaint was filed March 3, 1992, challenging the timing and redistricting proposal of the Task Force. A revised redistricting proposal was released by the Task Force on March 5, 1992. A plan which substantially embodied the Task Force's March 5 proposal was enacted by the Legislature on March 9, 1992. Following several so-called "Chapter amendments", Governor Cuomo signed the bill on May 4, 1992.

Following the signature by the Governor, an amended complaint was filed which differed from the original complaint insofar as it, the amended complaint,

addressed not the Task Force proposal but the Assembly Plan as Adopted by the Legislature.

A three-judge District Court was convened pursuant to 28 U.S.C. §2284. In a May 20 order, *see Appendix G,* Judge Cholakis dismissed Appellant's claim that a district plan, which grossly fragments communities of interest and political subdivisions in a manner neither required by nor supporting any rational state interest, was a violation of the Equal Protection Clause. This decision was affirmed by the full three-judge panel in a Memorandum and Order dated May 28, 1992. *See Appendix E.*

The Appellants filed a final amended complaint on June 1, 1992 requesting that the court enjoin the administration of the Assembly elections based upon the new plan and to declare the plan to be in violation of the First, Fourteenth, and Fifteenth Amendments to the United States Constitution, the Federal Civil Rights Act, and the Federal Voting Rights Act.

A complete alternative Assembly plan for the entire Assembly was provided to the District Court by Appellants/Plaintiffs to demonstrate the numerous flaws of the Assembly Plan as Adopted, and to provide a ready remedial device. The Appellants' plan ("FAIR Plan") contained a lower overall range of population deviation, was more compact, provided additional representation for racial and ethnic minorities, and was bereft of any partisan gerrymandering techniques.

A two-day summary trial was held in Utica, New York on June 24, 25, 1992. This appeal follows the decision of the three-judge District Court's Memo-randum and Order of July 2, 1992, as amended on August 19,1992, dismissing the Appellants' complaint with prejudice. *See Appendix A.*

THE QUESTIONS PRESENTED ARE SUBSTANTIAL

I. Does an Overall Range of Population Deviation of less than Ten Percent Preclude any Argument that a State Legislative Redistricting Plan Violates the One-Person, One-Vote Principle?

A. The District Court Misconstrued this Court's Many Decisions in the Area of One-Person, One-Vote.

The District Court ruled that since the overall deviation from strict population equality was under 10%, no further inquiry was necessary and a Fourteenth Amendment claim could not be sustained. Such an unsophisticated reading of this Court's many decisions in this subject area is a distortion of this Court's appreciation of a basic principle of representative democracy, that of one-person, one-vote.

Since the 1960s this Court has consistently promulgated that the goal of any districting plan is "fair and effective representation". A tenet of fair representation is that each district be "substantially equal in population". This Court has also recognized that "mathematical exactness" may be balanced against rational state interests in the drafting of districting plans for state legislatures.

B. The Goal of Any Districting Plan is Substantial Equality of Population.

In *Reynolds v. Sims,* 377 U.S. 533 (1964), this Court held that the Equal Protection Clause required that those responsible for crafting legislative districting plans "make an honest and good faith effort to construct districts...as nearly of equal population as is practicable". *Id.* at 568. This Court recognized the then limits of the line-drawing

process by stating that "it was a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters". *Id.* at 577.

While the practicability of absolute equality was a limiting factor thirty years ago, given today's technology there is no limitation on full implementation of the *Reynolds* mandate of equal population. As Justice Stevens noted in *Karcher v. Daggett*, 462 U.S. 725 (1983), "Computers now make it possible to generate a large number of alternative plans, consistent with equal population guidelines...and to analyze the political characteristics of each one in considerable detail." *Id.* at 752, n.10. In the 1990s a personal computer can quickly create district plans of absolutely equal numbers.

That the equal population goal could be manipulated as just another tool for gerrymandering was also recognized by this Court in *Reynolds*, far before the computer revolution which facilitated hundreds of districting plans to be analyzed by Appellees. "Indiscriminate districting, without any regard for political subdivisions or natural or historical boundary lines, may be little more than an open invitation to partisan gerrymandering." *Id.* 377 U.S. at 578.

C. Every Deviation from Population Equality Must Advance a Rational State Interest, Be Consistently Applied, and Be Free of Taint from Discrimination.

Over the past three decades, rules of judicial economy have evolved to minimize the intrusion of the Courts into this inherently political process. The most recent statement by the Court on this is *Brown v. Thomson,* 462 U.S. 842 (1983). In consideration of the balancing test between strict population equality and the legitimate interests of the States, this Court resolved that certain "minor deviations from mathematical equality...are

insufficient to make out a *prima facie* case...so as to require justification by the State." *Id.* at 842, quoting from *Gaffney v. Cummings,* 412 U.S. 735 (1973).

The Court prefaced this statement by a discussion of some legitimate state interests, e.g., political subdivisions, compactness, contiguity. The Court then stated, *as a general matter,* that an overall deviation under 10% was minor in nature. Brown at 842, (emphasis added). However, Justice Powell still observed that "The ultimate inquiry, therefore, is whether a legislature's plan 'may reasonably be said to advance [a] rational state policy...' ". *Id.* at 843.

Since the Court stated the 10% figure as a *general* matter, the underlying rationale of *Reynolds* and its progeny must be considered as the touchstone for invocation of this 10% threshold exemption. The *Reynolds* Court addressed this in 1964: "Careful judicial scrutiny must of course be given... to the character as well as the degree of deviations from a strict population basis." 377 U.S. at 581. "If population is submerged as the controlling consideration...then the right of all the State's citizens... would be constitutionally impaired."

In *Roman v. Sincock,* 377 U.S. 695 (1964) this Court also refined this exemption for the line-drawers. "The Constitution permits such minor deviations only as may occur in recognizing certain factors that are free from any taint of arbitrariness or discrimination." *Id.* at 710.

A few years later this Court again relied upon Reynolds to describe the type of deviations which could be classified as minor. In *Swann v. Adams,* 385 U.S. 443 (1967), this Court "limited the allowable deviations to this minor variations which 'are based on legitimate considerations incident to the effectuation of a rational state policy.'" *Id.* at 444, quoting *Reynolds.*

Several cases have reviewed the justification requirement for deviations from strict population equality. In *Gaffney v. Cummings, supra.* and *White v. Regester*, 412 U.S. 755 (1973), this Court, while addressing minor deviations in population, restated that this minor deviation exemption is not the end of the inquiry available to the courts. "State legislative districts may be equal or substantially equal in population and still be vulnerable under the Fourteenth Amendment." *Gaffney*, 412 U.S. at 751, citing several pre-*Bandemer* political discrimination cases.

See also, *Licht v. Quattrochi*, 449 A.2d 887 (R.I., 1982), 5% overall deviation invalidated; *Licht v. Quattrochi*, CA No.82-1494 (R.I.Super.Ct,1982), 1% deviation appeared to be the limit to the Court; *Farnum v. Burns*, 561 F.Supp. 83 (D.R.I.,1983), 5.6% deviation invalidated; *White v. Crowell*, 434 F.Supp. 1119 (W.D., Tenn, 1977), political considerations insufficient to justify deviation over 5%.

If the Appellants' argument that the population disparities present in the State's plan violated the Equal Protection Clause rested solely on the overall range of deviation, the Appellants would not have presented the District Court with a *prima facie* case. In addition to the presentation of the range of population deviation, the Appellants proved to the Court, without dispute, that an Assembly district plan could be created with significantly lower population deviations. *See Plaintiffs Exhibits 55, 75, 76; Response to Questions of the Special Master.*[1] The deviations present in the State's Assembly Plan were not

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[1] Not only did the overall range of population deviation increase significantly over the range from the 1980s, the distribution of deviations changed as well. Following the 1980 Census 61% of the Assembly districts were within a range of -1.0% to +1.0%, following the 1990 Census only 28% of the districts were within this range. Likewise, the mean relative deviation increased almost 100% between the two plans.

the result of any effort to advance a rational state policy. These additional factors are sufficient for the presentation of a *prima facie* one-person, one-vote claim.

D. When, As Here, An Illegitimate Purpose is Admitted, Every Deviation from Population Equality Must be Justified, Irrespective that the Overall Range of Deviations is Under the Ten Percent Threshold.

The Appellees admitted that it was the State's intent to invidiously discriminate against an identifiable political group throughout the redistricting process. *See Stipulation of the Parties, June 22, 1992.*

In fact, this is exactly what the Appellees did in this case. The consideration of partisan control of the State Assembly was paramount to every other factor in the very complex redistricting process. This admission by the Appellees was further evidenced by several facts surrounding the plan and the entire process by which the State finally produced a districting plan.[2]

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[2] a) the State spent over $18 million dollars over the decade of the 1980s to prepare for the redistricting process, this included a vast database of election results correlated to census information; b) the very sophisticated computer system used by the Assembly Majority was easily capable of significantly smaller population deviations; c) the overall range of population deviations following the 1980 Census was 8.14%, lower than that of the 1990 Assembly Plan as Adopted, 9.43%; d) so-called neutral criteria, e.g., preservation of political subdivisions, were inconsistently applied; e) available alternatives with smaller overall deviations were possible, e.g., a range of 3.91% for Appellants FAIR Plan; and f) a discriminatory impact on political groups as a result of the inconsistent application above, the most over-populated and *under*-represented districts being areas favorable to the Assembly Minority while the most under-populated and *over*-represented areas being those most favorable to the Assembly Majority.

Appellants do not contend that a claim can be based merely upon the availability of plans with lower overall deviations. Rather, it is the contention of Appellants that when, as here, there are *multiple* indications that actions of the State were not free from taint of discrimination, that an illegitimate interest was paramount to strict population equality, and state policies were not consistently applied, then the burden should shift to the State to justify all deviations.

E. Indiscriminate Implementation of the Ten Percent Threshold Exemption Shifts the Goal Away from Population Equality.

The perception among some that the *Brown* opinion enunciated a 10% threshold exemption has resulted, in New York, in just what the *Reynolds* court had tried to avoid. The *Brown* threshold exemption has been viewed as an open invitation to include population deviations as another technique of partisan gerrymandering by today's computer assisted political cartographers. It certainly is possible, given today's technology, to produce districts, even state legislative districts, with a minimal deviation from strict population equality. See, for example, the case of Illinois following the 1990 U.S. Census.[3]

On the other extreme, there is the case of the New York Assembly, the instant case, where despite the

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[3] Illinois, with a 1990 U.S. Census population of 11,430,602, created a 118 district plan with a total range of deviation of 0.0000%, resulting in 60 districts with a deviation of 0 persons and 58 with a deviation of -1 person. There is little doubt that the deviation would have been 0 persons in all 118 districts had the state total population been evenly divisible by 118.

national trend and the increasingly more refined technology, the Appellees created a plan with an overall deviation *significantly larger* than currently exists, and *significantly larger* than alternative plans. If the District Court's interpretation of this Court's decision in *Brown* is left to stand, there will be no incentive for the line-drawers to have strict population equality (0%) as their goal. Those familiar with the subject will know that 10% is what will pass legal muster. If all deviations under 10% are left to stand without explanation, no matter what rationales are enunciated, or used, by the State, the goal will no longer be 0% with latitude for a state's legitimate interests[4]. The new goal will be 10.000% and population equality will be subordinated to other illegitimate concerns, most notably the partisan gerrymander.

The Appellees have admitted their intentional partisan discrimination and this consideration was paramount to any others in this case. Allowing the use of this significant gerrymandering tool to stand without any justification will lead to a complete subversion the *Reynolds* standard of strict population equality. *Reynolds* recognized two reasons for not requiring strict equality. The first, of practicability, was primarily a technological limitation, now since removed. The second, that of the balancing test against state interests, is still a valid inquiry. However, one can not assess this inquiry if the opinion of the District Court is allowed to stand.

The District Court, in this case, should have required the State to justify all deviations from strict population equality. Given the paramount importance of the State's admitted partisan discrimination, an illegitimate state interest, the deviations would not have been supportable and the plan should have been ruled invalid as being violative of the Fourteenth Amendment.

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[4] The Co-Chairmen's report of the Majority Task Force which created the plan classified their actions as in "strict adherence" with one-person, one-vote.

II. Is A Claim of Unconstitutional Partisan Gerrymandering of a State Assembly Plan Barred Because Appellants' Voting Rights for Other State Offices Are Not Similarly Affected?

The present New York Assembly plan was intended to discriminate and efficiently does discriminate against Republicans on a statewide basis and Republican voters in particular districts. This discrimination is accomplished through manipulation of Assembly district lines. The Assembly plan is a gross partisan gerry-mander.

A. A Districting Plan that Intentionally Discriminates Against an Identifiable Political Group and Has a Significant Discriminatory Effect Violates the Equal Protection Clause

In *Davis v. Bandemer*, 478 U.S. 109 (1986), this Court recognized that political gerrymandering cases were justiciable under the Equal Protection Clause of the 14th Amendment.[5] To succeed on such a claim, appellants must prove both intentional discrimination and an actual discriminatory effect. *Id.* at 127. The Assembly Majority Appellees stipulated to the District Court that they "intentionally discriminated against an identifiable political group" when drafting the Assembly District Plan.

The New York Assembly plan is extremely effective in fulfilling the intention of its authors, discrimination against Republicans. The District Court concluded that the admitted intent to discriminate and the discriminatory effect of the Assembly plan were immaterial because Republicans are elected statewide and are a majority in the State Senate. "The fatal flaw in plaintiffs' case is the

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[5] See M. Hess, *Beyond Justiciability Political Gerrymandering after Davis v. Bandemer*, 9 Campbell L. Rev. 207-54 (Spring 1987).

simple fact that the New York State Senate is an integral component of the state's legislature, and that Republicans hold a majority of the senate seats....These undeniable facts are critical when a political party claiming to be gerrymandered out of the state's political process must show that it has been shut-out of the process 'as a whole'. *Bandemer*, 478 U.S. at 132." District Court July 2, 1992 Opinion p. 9. *See Appendix A, p. 15a.*

The District Court holds that Appellants' voting rights can never be violated by a districting plan that intentionally and egregiously discriminated against the Appellants if any of the "whole" election process is fair and open to them. The political success of the Republicans in non-gerrymandered statewide elections and in the State Senate is an indicia of the harshness of the 1982 gerrymander of the New York Assembly districts rather than an excuse for a repeat gerrymander in the 1990s. The Appellees' argument that a group's political success at one level of government bars that group from successfully proving dilution and discrimination at other levels of government defies both common sense and this Court's jurisprudence. Taken to its logical conclusion, this reasoning would suggest that once a group achieved some degree of political success, constitutional protections for that group evaporate. The political success of Mayor Dinkins in New York City does not mean that the Equal Protection Clause no longer protects Black voters from racial gerrymandering in New York congressional districts.

The plaintiffs before the District Court were not the Republican members of the State Senate nor Republican Assembly members. The constitutional rights sought to be protected were those of Republican voters. Individual members of the legislature do not have the right to bargain away the constitutional and voting rights of Republican voters. This action is not to protect the rights of any legislative members, but the rights of New York voters.

This gross partisan gerrymander violates democratic values by conceding to the legislature the power of self-selection.[6] The very idea of American democracy should forbid a legislature from insulating itself from popular will.[7] Justice Clark, concurring in *Baker v. Carr*, 369 U.S. 186 (1962), wrote that he would "not consider intervention by this court in so delicate a field if there were any other timely and effective relief available to the people of Tennessee" by which they could effect the reapportionment of their legislature. 369 U.S. at 259. This Court should not intervene if there was other relief available to the people of New York. There is none. Without this Court's intervention, the partisan complexion of the New York Assembly will be locked in place until the next century.[8]

The fact that the Republican members of the Senate made a 'Faustian' deal to preserve their majority at the expense of the rights of individual Republican voters should not preclude this Court from granting relief.

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[6] The New York Assembly has the second lowest membership turnover of any legislative chamber nationwide following only Arkansas.

[7] See also Sturn, *Political Gerrymandering, a Statutory Compactness Standard as an Anecdote for Judicial Impotence*, 41 U. Chi. L. Rev., 398-405 (1974). Gerrymandering "diminishes effective representation by decreasing the number of politically competitive districts . . . the controlling party is not forced to select its best candidate . . . incumbents may be able to continue in office without accounting to the voters in any significant way . . . gerrymandered districts eliminate the need to fuse very small or single issue groups into an electoral coalition . . . ."

[8] Just as the New York Assembly partisan gerrymander following the 1980 census has allowed the current incumbents to further eliminate competition.

B. The Discriminatory Effect of the New York Assembly Plan on Appellants' Voting Rights Far Exceeds the Discriminatory Effect of the Plan in Bandemer

In *Bandemer*, the Indiana Democratic party Appellants failed to show that the Indiana House plan was an effective continuing gerrymander. They failed to show an actual significant discriminatory effect. The Indiana evidentiary presentation relied on the result of a single election to support a claim. "Relying on a single election to prove unconstitutional discrimination is unsatisfactory" *Id.* at 135.

In New York, these Appellants provided the District Court with compelling evidence that the newly enacted Assembly redistricting plan consigns the Republicans to a minority status in the Assembly throughout the 1990s and into the next century. The Appellants' evidence did not rely on a single election to prove discrimination or partisan unfairness. *Unlike Bandemer*, Appellant did present an analysis based upon projected New York election results for district boundaries and past voting patterns, exactly the evidence this Court stated would support such a claim. *Id.* at 139 n.17. *Unlike Bandemer*, if New York Republican candidates win a few additional percentage points of the votes cast statewide, the Democrats will still retain a majority of seats in the Assembly. *Id.* at 135. *Unlike Bandemer*, there is no reasonable likelihood that the Republicans can in one of the next elections secure sufficient votes to take control of the Assembly. *Unlike Bandemer*, the Appellants here are not arguing about a mere lack of proportionate results in a single election. *Unlike Bandemer*, these are not transitory results. *Id.* at 140.

The reason for the Indiana Appellants' evidentiary failure is now easily understandable, the alleged gerrymander was not effective. The Democrats shortly

took control of the Indiana House. The Republican leaders of the Indiana House failed to create an effective, continuing gerrymander so a sufficient discriminatory effect was not present to support a constitutional claim. The Democratic leaders of the New York Assembly have not failed in their carefully planned and lavishly financed effort to discriminate against the Appellants.

The Appellants' have analyzed New York election data for many political offices from 1968 to 1990 and corresponding census data. They have analyzed th[illegible] information and other variables from 1984 to 1990 a[illegible]d have aggregated this data for the newly enacted districts. Their methods and programs are now being used by scholars and practitioners of both major parties in at least half the states. [9] This system was used to evaluate past elections and make election projections under the newly enacted plan.[10] The conclusion is clear, the Democratic

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[9] Browning, Robert X., and Gary King (1987). *Seats, Votes, and Gerrymandering: Estimating Representation and Bias in State Legislative Redistricting,* Law and Policy Vol. 9, No. 3 (July); Pp. 305-322. Gelman, Andrew, and Gary King (1990). *Estimating the Electoral Consequences of Legislative Redistricting,* Journal of the American Statistical Association, Vol. 85, No. 410 (June); Pp. 274-282. King, Gary (1989). *Representation Through Legislative Redistricting: A Stochastic Model,* American Journal of Political Science, Vol. 33, No. 4 (November); Pp. 787-824. See also, Gelman, Andrew and King, Gary, *Judge-It, A unified Method of Evaluating Electoral Systems and Redistricting Plans,* Center for American Political Studies, Harvard University, Occasional paper 92-5, 1992, includes computer software which was the recipient of the Research Software award for 1992 from the American Political Science Association.

[10] The high level of accuracy of Appellants' expert Dr. King's prediction methodology is remarkable. For the election years 1986, 1988 and 1990, this method correctly projects election results in 438 out of 450 Assembly elections (97.3%).

Assembly leaders created a very effective and continuing gerrymander.

The New York Assembly electoral system is fundamentally unfair. This evaluation of the fairness of an electoral system is based on two concepts: partisan bias and electoral responsiveness.

Partisan bias measures the level of partisan discrimination present in a plan. Partisan bias is a more sophisticated standard than proportional representation or a simple seats versus votes analysis. The basic tenet is that a fair electoral system is one which treats the parties equally. For example, if the Democrats receive 55% of the vote and are able to translate this into approximately 65% of the seats in the Assembly, the process would be "fair" only if the Republicans were also able to translate 55% of the votes into 65% of the seats in the Assembly. A biased electoral system is one in which one party would consistently control a significantly larger proportion of seats for a given proportion of votes than was possible for the other party. This is the New York Assembly pattern. It is an electoral system that is heavily biased against Republicans and substantially discriminates against voters who vote for candidates of that party and their opportunity to influence the political process effectively.

Electoral responsiveness is the degree to which the allocation of seats among political parties in a legislature responds to changes in voter preference. This applies to all voters, not only those of one political party. If incumbents of both parties always receive huge majorities, then even very large statewide swings in voter preferences have little or no effect in changing district election outcomes. The New York Assembly is characterized by extremely low responsiveness which produces a continued frustration of the will of a majority of the voters and grants them no fair chance to influence the political process.

The electoral system in the New York State Assembly has been characterized by substantial political gerrymandering for many years. Throughout the 1980s, partisan bias egregiously discriminated against the Republicans. The plan at issue before this court increases this already large bias for the 1990s. Bias or discrimination is of a higher degree than found by Appellant's experts in any other state plan. Bias is not self-correcting. This high degree of partisan bias or partisan discrimination will remain at about this level or higher until at least the next redistricting in the next century. The District Court's opinion does not dispute these facts.

The Assembly plan is replete with various indicia of gerrymandering--dramatically irregular shapes, a lack of compactness, different treatment of incumbents, ignoring political boundaries for partisan purposes, population disparities for partisan purposes and a severe disproportionality of seats/votes. An examination of the plan by Appellant's expert Dr. Gordon Baker, using a variety of different techniques,[11] leads to the obvious and inevitable conclusion that it is a gross partisan gerrymander which will continue to significantly degrade the electoral power of Republican voters into the next century. The District Court's opinion does not dispute this conclusion.

Gerrymandering is the "pathology of democracy."[12] Many public interest groups and numerous scholars have concluded that gerrymandering (a) unfairly discriminates against minority interests, (b) unduly rewards incumbency,

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[11] Baker, Gordon, 3 J. L. & Pol. 1-19 (Winter 1986). See also Baker, Gordon, *The Totality of Circumstances*, Political Gerrymandering and the Courts 212-239 (B. Grofman, Agathon Press 1990).

[12] Shapiro, Martin, *Gerrymandering Fairness in the Supreme Court*, 33 UCLA L. Rev. 227, 239 (1985).

(c) reduces political competition and thereby undercuts the quality and responsiveness of legislators; and (d) discourages voter participation by preordaining election results.[13] By virtue of the partisan gerrymander following the 1980 census, these same incumbents (nearly one half of whom were in the Assembly for the last redistricting cycle) can further exacerbate the diminishing of democratic ideals by their selfish perpetuation of political hegemony.

If a legislative plan looks like a partisan gerrymander, has the effect of a partisan gerrymander, and its drafters intended it to be a partisan gerrymander, then surely the plan is a partisan gerrymander. If the level of partisan bias or discrimination present in this plan is not enough to support a successful Equal Protection claim, such a claim will never be successful. The promise of the *Bandemer* decision that judicial relief would be available to the victims of gross partisan gerrymandering is then simply an illusion.[14]

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[13]ABA Special Committee on Election Law and Voter Participation, *Congressional Redistricting 3* (1981). The American Bar Association has been joined in its call for reform by the American Civil Liberties Union ("ACLU"), Common Cause, League of Women Voters, the National Association for the Advancement of Colored People ("NAACP"), the National Municipal League and the Mexican American Legal Defense Fund ("MALDEF"), among others.

[14]The Appellees will argue that the Assembly plan cannot be a partisan gerrymander because some Republican Assembly members voted for the plan. Specific members of the Republican Assembly caucus voted for the plan in response to the majority's cynical strategy of pairing numerous Republican members in its initially proposed plan and using the promise of unpairing to lure them to vote for the plan. The votes were needed because of the Governor's threat to veto the redistricting bill.

Republican legislative members voting for a Democratic gerrymander is not as illogical as might seem at first impression.

C. The First Amendment Protects Political Parties and Their Supporters from Egregious Political Gerrymandering

Partisan gerrymandering seriously restricts First Amendment rights by placing burdens on the freedoms of expression and association. In *Elrod v. Burns*, 427 U.S. 347 (1976), this court said that "patronage can result in the entrenchment of one or a few parties to the exclusion of others. And most indisputably . . . , patronage is a very effective impediment to the association and speech freedoms which are essential to a meaningful system of democratic government." *Id.* at 369. The New York Assembly gerrymander has resulted in the entrenchment of the Democratic party to the exclusion of others in the Assembly. This court rejected patronage position dismissals in *Elrod* because they impinged upon the First Amendment associational rights, even though partisan patronage was a longstanding and widespread practice throughout the country, and plausible legitimate state interests could be articulated which supported the practice.[15]

The impediment to associational and speech freedoms imposed by a gross partisan gerrymander are not supported by any plausible legitimate state interests. No theory of democratic representation supports or is advanced by partisan gerrymandering. Unlike the chilling

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Republican members of the legislature have the perverse incentive to do nothing about the current gerrymander because they typically reside in packed districts. They are the beneficiaries of those carefully constructed super-majorities which form half of the gerrymander equation. It is not surprising that they would think twice about a suggestion that they accept a smaller margin of victory for the good of the party.

[15] See Justice Powell's dissent *Elrod v. Burns*, 427 U.S. 347, 376 (1976). Justice Scalia's dissent *Rutan v. Republican Party of Illinois*, 110 S. Ct. 2729, 2746 (1990).

of First Amendment associational rights linked to political patronage, which have grown less significant in many states through civil service reforms, gerrymander techniques grow more powerful with new technology.

The Assembly majority has manipulated district lines to such a degree as to provide one party a virtual monopoly in the marketplace of ideas in most Assembly elections. In *Williams v. Rhodes,* 393 U.S. 23 (1968), the Supreme Court held that Ohio's ballot access laws were repugnant to the First Amendment because the electoral process gave a decided advantage to some political parties over others. The state laws burdened "two different, although overlapping, kinds of rights--the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively." *Id.* at 30. The complete, partisan monopoly in Ohio offended the First Amendment by placing unequal burdens on both the right to vote and the right to associate.

Partisan gerrymandering is even more starkly offensive to the First Amendment because district lines are drawn specifically to negate the effect of the votes of members of certain parties. Although there is no right to the most effective speech possible, *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1, 36 (1973), the right to cast effective votes ranks "among our most precious freedoms," *Rhodes*, 393 U.S. at 30. When voters are identified on the basis of party affiliation and are relegated to a district specifically designed to eliminate their ability to affect the outcome of an election, the denial is not one of the "most effective" speech, but an elimination of the constitutional right to participate in the electoral process.

In *Anderson v. Celebrezze*, 460 U.S. 780, 794 (1983), the Court found unconstitutional Ohio's early campaign filing deadline because it threatened "to reduce diversity and competition in the marketplace of ideas." The

deadline discriminated against voters with a particular political orientation and thereby contravened the associational freedoms of the First Amendment. As the Court noted, "it is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint [or] associational preference . . . ." *Id.* at 793 (footnote omitted). However, it is precisely for the purpose of imposing such restrictions on political parties that New York's gerrymandered Assembly lines are drawn.

Gerrymandering infringes on First Amendment associational rights because it dilutes the impact of voters with a particular partisan association or view. It is a fundamental tenet of American democracy that a representative government must be responsive to the changing will of the electorate. A redistricting that is largely insensitive to electoral changes because it locks in a lopsided partisan imbalance through the use of dispersion and concentration techniques of gerrymandering thwarts the very purpose of political association.

Partisan gerrymanders "are designed to limit the effectiveness of organized political activity, and for that reason strike at the rights of free speech and free association guaranteed by the First Amendment." Weinstein, *Partisan Gerrymandering: The Next Hurdle in the Political Thicket*, 1 J.L. & Pol. 357, 373 (1984). By impairing the ability of the voters to change their representatives on election day, the gerrymander "limits use of the political processes that the First Amendment is intended to protect." *Id.*

Where, as here, an act affects fundamental rights of speech and association, it is subject to the "closest scrutiny." *Buckley v. Valeo*, 424 U.S. 1, 25 (1976) (quoting *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 460-61, (1958)); accord, *First Nat'l Bank v. Bellotti*, 435 U.S. 765, 786 (1978); *Federal Election Commission v. National*

Conservative Political Action Committee, 470 U.S. 480 (1985). Political parties and their adherents "enjoy constitutionally protected rights of political association," *Cousins v. Wigoda*, 419 U.S. 477, 487 (1975).

Wherever limitations are placed upon First Amendment rights, particularly those involving speech and political association, the state may prevail only upon a convincing demonstration of a compelling govern-mental interest. *NAACP v. Button*, 371 U.S. 415, 438-39 (1963). Furthermore, "the burden is on the government to show the existence of such an interest." *Elrod, supra*, 427 U.S. at 362. The protection of a party's majority in a legislative chamber is not a compelling state interest. Even the New York Assembly majority does not explicitly advocate this position. In the absence of a compelling state interest, the impairment of First Amendment rights should be struck down.

A gerrymander aims to destroy the competitive nature of our political process which often eliminates any serious discussion of political issues in Assembly campaigns across New York. Gerrymandering software for computers increases in power and sophistication almost by the month.[16] Unlike past redistricting cycles, census data were available in 1990 for New York by political units. These data, combined with an extensive database of election results and enrollment numbers, permit very sophisticated manipulation of boundaries. Individual voters, simply because of their party affiliation, are assigned to electoral districts where there votes are by design rendered without effect. Naturally, the activities of these individuals in the political process is severely discouraged by grossly gerrymandered districts which makes the advocacy of particular candidates or parties a fruitless civic exercise.

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[16] Anderson and Dahlstrom, *Technology of Gerrymandering*, 22 Urban Lawyer 59, 73-76 (1990).

"Rotten boroughs", the diseased fruit of the partisan gerrymander, cf. *Brown v. Thomson,* 462 U.S. at 856 (Brennan J. Dissenting), citing *Reynolds,* 377 U.S. at 567-68; *Baker v. Carr,* 369 U.S. at 302-07 (1962) (Frankfurter, J., dissenting), simply demand no discussion of issues by their representatives. Many gerrymandered districts go uncontested, or are not seriously contested, so speech is not just diminished, it is eliminated. See Baker, *Representation and Apportion-ment, III Encyclopedia of American Political History* 1118, 1128 (J. Green ed. 1984). Since the electoral process is, through clever computer-assisted cartography, foreordained, the marketplace of ideas is foreclosed to those whose party did not control the redistricting process.

Justice Brennan stated, "to the victor belong only those spoils that may be constitutionally obtained." *Rutan v. Republican Party of Illinois,* 110 S. Ct. 2729, 2731 (1990). A permanent majority in a chamber of the New York Legislature should not be 'spoils' which may be constitutionally obtained. The District Court's opinion fails to even acknowledge the argument that the gerrymander process impairs political associational rights.

III. Did the District Court Err in Holding that a Redistricting Plan Which Grossly Fragments Communities of Interest and Political Subdivisions in a Manner Neither Required by nor Supporting any Rational State Interest was Not a Violation of the Equal Protection Clause?

The State of New York may not create Assembly districts which have no rational or legitimate justification. In *Reynolds,* Justice Earl Warren, writing for the Court, describing a legislative plan, said, "[T]he existing apportionment . . . presents little more than *crazy quilts,* completely lacking in rationality, and could be found invalid on that basis alone." Reynolds at 568 (emphasis added).

The existing New York Assembly apportionment presents little more than a crazy quilt, completely lacking in rationality, and should be found invalid on that basis alone.

The District Court dismissed this claim based upon a misinterpretation of the Appellants' allegations and proposed arguments. The Appellants did not seek a ruling that cultural communities or political subdivisions such as towns or other incorporated communities are entitled to protection from being divided or made part of another district. Memorandum-Decision, May 20, 1992. *See Appendix G.* Appellants do not argue that any particular neighborhood, city, town, geographic, or interest community is entitled to be grouped together as a single election unit. Appellants argue that the individual right of voters and citizens in these communities are debased by their needless fragmentation and division between Assembly districts. There is no legal or rational state interest supporting these divisions. If there is any legitimate or rational state policy which justifies the bizarre, crazy-quilt fracturing of various geographic, ethnic and political communities in the Assembly plan, this particular argument would fail. Appellants assert that no such legitimate rationale exists.

A member of the Assembly cannot easily represent his constituents, nor can voters for a district exercise the franchise intelligently when an Assembly District is nothing more than a fragmented unit divorced from, and indeed possibly in conflict with, the various other political communities established by the State. Members of the legislature are less likely to be visible and identifiable to their constituents if legislative boundaries are completely independent of other traditional geographic or political boundaries.

New York Assembly boundaries are unknown to all but the most devoted political activists. A simple inability of the elector to understand who their elective

representative is or what citizens their Assembly member represent can contribute to increasing voter apathy. Assembly Districts should present manageable and understandable constituencies for legislators to seek electoral support and to represent.

It is unquestionable that legislators are elected to represent people and not trees or acres, but people participate in our political process through group action. Legislators represent not only individuals, but also the organized and unorganized interests of groups of people. If members of the legislature become uncoupled from specific political subdivisions or rationally recognized communities of interest, and their bonds to identifiable interests are lessened. Legislative members cast free of the responsibility for specific communities of interest become more vulnerable to the influence of special, or single, interest groups.

The legislative redistricting task calls for legislators to be impartial, dispassionate and unbiased when deciding their political future and that of their friends and foes. King Solomons are in short supply, even in the New York Assembly. The computer-assisted redistricting process, without guidance beyond population equality, tempts most state legislators beyond their ability to resist. Incumbency, partisan interest, personal ambition or animosity have replaced traditional communities of interest or political subdivisions as building blocks of the redistricting process in New York.

Where neither a suspect class nor a fundamental right is implicated, a court will review a classification with deference, and with a heavy presumption of constitutionality. Still, a law should be stricken if there is no rational relation between the means chosen by the legislature and a legitimate legislative objective. This standard also has been formulated such that a law will be stricken if the classification is "purely arbitrary." *Lindsey v. National Carbonic Gas Co.*, 220 U.S. 61, 78 (1911).

Sometimes a slightly stricter standard has been employed by the courts. One frequently quoted is: "[T]he classification must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike." *F.S. Royster Guano Co. v. Virginia,* 253 U.S. 412, 415 (1920).

In *U.S. Railroad Retirement Board v. Fritz,* 499 U.S. 166 (1980) the Court held that so long as there was a "plausible" legitimate reason for Congress to have created the classification scheme it had, the lowest-level equal protection review was satisfied. Under *Fritz,* it appears that any conceivable purpose, if rationally related to the classification scheme, would satisfy lower-level review, even if it was not the actual purpose of the legislature.

Where only one purpose is conceivable and the means chosen are not rationally-related to that objective, the law should be invalidated. *Logan v. Zimmerman Brush Co.,* 455 U.S. 422 (1982) (scheme for hearing state employment discrimination charges penalized some claimants for mistakes by State Commission and so was not rationally related to objective of expediting dispute settlement).

Similarly, in *U.S. Department of Agriculture v. Moreno,* 413 U.S. 528 (1973), the Supreme Court held unconstitutional a provision limiting federal food stamps to "Households," which were defined so as to exclude households containing an unrelated person. The distinction between households with an unrelated person and others was not rationally related to the expressed purpose of the act, to satisfy nutritional needs and help the nation's agriculture. *Id.* at 534.

Where the only conceivable state purpose is illegitimate, the court may not even reach the issue of rational relation. In *Metropolitan Life Insurance Co. v.*

Ward, 470 U.S. 869 (1985), this Court held that a desire to promote in-state insurers at the expense of out-of-state insurers was not a legitimate state purpose and thus, the statute did not survive even lowest-level review.

In *Moreno*, the Court also found that the purpose or wish to harm politically unpopular "hippie communes" was not a legitimate state purpose. *Id.* 413 U.S. at 534.

The "mere rationality" standard is highly deferential, but the deference is not absolute. The law challenged should be upheld if the means chosen by the legislature bear a rational relation to conceivable legitimate state purposes. If the classification involves an unpopular trait or affiliation, thereby suggesting bias by the majority, a court may subject the statute to a slightly more probing review. The Assembly's computer generated districts without regard to legitimate state purposes such as compactness or the preservation of communities. The purpose programmed into the state computer was to discriminate against Republicans. That is not a rational nor a legitimate state purpose on which to destroy the traditional geographic or community component of our representational system and to thereby debase the voting rights of individuals citizens.

CONCLUSION

This appeal represents an unusually clear legal situation whereby this Court can both protect the fundamental rights of individual citizens and provide guidance to those responsible for crafting the boundaries for the thousands of state legislative districts in our nation.

This Court has repeatedly stated its appreciation for the basic tenets of "fair and effective representation". The court below has misconstrued the very clear statements made by this Court since *Reynolds v. Sims.* Letting the opinion below stand will only foster a continued erosion of the right of voters in New York State

to collectively have an impact on the legislative process of their Assembly, the chamber designed to be the closest to the people. The hegemony of the incumbents will not abate, the process will not self-correct.

The Court should note probable jurisdiction and reverse the lower court.

Respectfully submitted,

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October 5, 1992

92-586

Supreme Court, U.S.
FILED
OCT 5 1992
OFFICE OF THE CLERK

No. 92-____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., (FAIR) *et al.*

Appellants

v.

SAUL WEPRIN, *et al.*

Appellees

Appeal from the United States District Court for the Northern District of New York

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APPENDIX TO JURISDICTIONAL STATEMENT

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APPENDIX A

Memorandum and Order of Three-Judge Court
(Amending Memorandum and Order
filed July 2, 1992)
August 19, 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., JUAN DE SANCTIS, AUGUSTINE C. CHEN, ONEL ALFRARO, MARGARET QUIGLEY, HELEN K. HORN, CALVIN L. WALTON, JUAN L. JIMENEZ, FELIX FIGUEROA, ALFRED HONG, EMORY N. JACKSON and JUAN DE LA CRUZ, BROOKLYN POLITICAL ACTION COMMITTEE, INC. MARTIN CHICON, RONALD TRAVIS, MARTHA HOWLETTE, LOUIS DEGUZMAN, MARION PHILLIPS, BAY RIDGE COMMUNITY COUNCIL, INC., TOWN OF CATSKILL, GREENE COUNTY, BUFFALO COMMON COUNCIL, AND GEORGE K. ARTHUR

Plaintiffs,

-against- 92-CV-283

SAUL WEPRIN, both Individually and as Speaker of the Assembly of the State of New York, DAVID GANTT, both Individually and as Co-Chairman of the Legislative Task Force on Demographic Research and Reapportionment, DEAN SKELOS, both Individually and as Co-Chairman of the Legislative Task Force on Demographic Research and Reapportionment, MARIO CUOMO, both Individually and as Governor of the State of New York, STANLEY LUNDINE,

both Individually and as Lt. Governor of the State of New York and as Presiding Officer and President of the Senate of the State of New York, THE NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT, THE SENATE OF THE STATE OF NEW YORK, THE ASSEMBLY OF THE STATE OF NEW YORK, and THE BOARD OF ELECTIONS OF NEW YORK STATE,

Defendants.

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CLARENCE E. NORMAN, JR., ANGELO DEL TORO, DAVID F. GANTT, THE NEW YORK STATE ASSEMBLY and SAUL WEPRIN,

Plaintiffs,

-against- 92-CV-720

MARIO M. CUOMO, STAN LUNDINE, RALPH J. MARINO, THE NEW YORK STATE SENATE, THE STATE BOARD OF ELECTIONS, CLARENCED. RAPPLEYEA, JOHN FASO, THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., JUAN DE SANCTIS, AUGUSTINE C. CHEN, ONEL ALFARI, AURELIA GREENE, JAMES F. BRENNAN, ANTHONY S. SEMINERIO and FREDERICK D. SCHMIDT,

Defendants.

AND

GEORGE P. SCARINGE,

Plaintiff,

-against- 92-CV-0593

RALPH J. MARINO, Majority Leader of the Senate of the State of New York; DEAN SKELOS, Co-Chairman of the New York State Legislative Task Force on Demographic Research and Reapportionment; THE SENATE OF THE STATE OF NEW YORK; SAUL WEPRIN, Speaker of the Assembly of the State of New York; DAVID GANTT, Co-Chairman of the New York State Legislative Task Force on Demographic Research and Reapportionment; THE ASSEMBLY OF THE STATE OF NEW YORK; MARIO CUOMO,

Governor of the State of New York; STANLEY LUNDINE, Lieutenant Governor of the State of New York; and THE BOARD OF ELECTIONS OF THE STATE OF NEW YORK, Defendants.

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Albany, NY 12207-1810

PER CURIAM:

We have before us actions that challenge the redistricting apportionment plan for the New York State Assembly recently enacted by the Legislature. Also before the Court is a challenge to the 1983 Assembly and Senate apportionment plans. After holding a summary trial testing the validity of the state's 1992Assembly plan on the issues of one person, one vote, partisan gerrymandering and racial gerrymandering, we find there apportionment plan meets constitutional and statutory Voting Rights Act requirements on each of these issues. There remain nonetheless two assembly districts in Manhattan that the Attorney General of the United States found racially malapportioned.

It is abundantly clear that legislative reapportionment is a matter primarily for a state's legislative body, and that a federal court may interfere only when that body fails timely to validly reapportion, after having had an adequate opportunity to do so. This is such a case. As of this date, July 2, 1992 -- one week from the commencement of the state's election process -- the legislature has not yet enacted a valid redistricting plan pre-cleared by the United States Department of Justice, with respect to both the Assembly and the Senate. As discussed more fully below, the Senate plan is invalid by operation of Article 3, Section 5 of the New York State Constitution. We must therefore maintain jurisdiction to ensure that the election process in New York may commence in a timely, constitutional and statutorily valid manner.

BACKGROUND

The present three-judge court was convened by the Chief Judge of the United States Court of Appeals for the Second Circuit to hear and determine the issues raised in three actions involving the reapportionment of

the State of New York based on the 1990 Census. See Fund for Accurate and Informed Representation, Inc., et al. v. Weprin, et al, No. 92-CV-283 (N.D.N.Y.) ("the FAIR action") (challenge to the apportionment of Assembly seats in 1992 N.Y. Laws chs. 76-78); Norman, et al. v. Cuomo, et al., No. 92-CV-720 (N.D.N.Y.) ("the Norman action") (declaration that the 1992 Assembly plan is statutorily and constitutionally valid); Scaringe v. Marino, et al., No. 92-CV-593 (N.D.N.Y.) ("the Scaringe action") (challenge to the existing 1983 apportionment of both the Senate and the Assembly). By per curiam order dated June 15, 1992, the three-judge court consolidated the FAIR action and the Norman action. For ease of reference, the court shall group the parties as specified below and refer primarily to the FAIR complaint unless further differentiation is required.

Parties contesting the 1992 Assembly plan are the Fund for Accurate and Informed Representation, Inc. ("FAIR"), which is a New York not-for-profit corporation, and a variety of other corporate and individual plaintiffs (collectively "plaintiffs"). Parties defending the 1992 plan are the New York State Assembly, its Speaker, the Legislative Task Force on Demographic Research and Reapportionment and one of its Co-Chairmen, who is also a member of the Assembly ("Assembly defendants"), the Senate of the State of New York and a member who is Co-Chairman of the Legislative Task Force ("Senate defendants"), the Governor and Lt. Governor of the State of New York, and the Board of Elections of New York State ("Executive defendants").

The FAIR complaint alleges three causes of action. The first contains four claims: (1) the Assembly is not presently apportioned -- nor is the 1992 reapportionment plan -- consistent with the required principle of "one person, one vote"; (2) the newly enacted Assembly reapportionment plan comprises a

partisan gerrymander which discriminates against citizens who support the Republican Party; (3) the new plan violates the Equal Protection Clause of the Fourteenth Amendment, the Federal Civil Rights Act and the Voting Rights Act of 1965 by diluting minority voting rights and interests; and (4) the new plan violates the Equal Protection Clause of the Fourteenth Amendment by "fragmenting cohesive communities of interest and political subdivisions between Assembly districts." The second and third causes of action assert that defendants' failure to adopt a constitutional reapportionment plan for the Assembly districts in a timely manner prior to the commencement of the 1992 electoral process irreparably harms the plaintiffs and violates the constitutional rights of minority candidates. While plaintiff in the Scaringe action does not challenge the 1992 redistricting plan, he does challenge the continued validity of the 1983 districts in view of the 1990 Census. Plaintiff Scaringe seeks to enjoin defendants from conducting the 1992 elections using the malapportioned 1983 districts. The ultimate relief requested by plaintiffs in these actions is for the court to adopt a constitutionally and statutorily valid redistricting plan in time for the 1992 electoral process scheduled to commence on July 9, 1992.

A barrage of pre-trial motions were addressed by the court prior to the summary trial held in Utica, New York on June 24-25,1992. Of particular importance here are four pre-trial matters. The court, acknowledging that only when state agencies cannot act expeditiously in light of the state's election calendar should a federal court step in to review the validity of the state's redistricting plan, declined defendants' repeated requests to abstain in these cases. e.g., Per Curiam Order dated May 28,1992, at 7-8, citing White v. Weiser, 412 U.S. 783, 795 (1973); Chapman v. Meier, 420 U.S. 1, 27 (1975). In the same per curiam order, the second and third causes of action were dismissed on the ground that they were not

ripe for adjudication, thus leaving only the first cause of action for trial. After two state courts in parallel actions declared the 1992 redistricting plan unconstitutional under the New York State Constitution,[1] leaving the state with no valid plan in effect on the eve of the election schedule, this court proceeded by per curiam order dated June 19, 1992 to appoint pursuant to Fed. R. Civ. P. 53 a special master to apportion the Senate and Assembly districts for the 1992 elections. Prior to the taking of proof at the summary trial on June 24, 1992, the court entertained a motion for partial summary judgment in the Scaringe action on the limited issue of the validity of the 1983 Senate and Assembly districts in view of the 1990 Census. All parties having agreed that the 1983 districts are no longer apportioned in accordance with constitutional and statutory requirements, the court granted plaintiff Scaringe's motion for summary judgment on this limited issue and enjoined defendants from conducting the 1992 elections using the malapportioned 1983 districts. See Final Pre-Trial Order, dated June 24, 1992 (per curiam).

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[1] On June 12, 1992, Justice Saks of the New York Supreme Court, Bronx County, delivered a bench decision in Wolpoff, et al. v. Cuomo, et al., Index No. 14757-92, ruling that the 1992 Senate redistricting plan contained in 1992 N.Y. Laws chs. 76-78 as violative of Article III, section 4 of the New York State Constitution. The court further ruled that the 1992 Assembly redistricting plan must also be invalidated based on the mandate in Article III, section 5 of the state constitution that the Senate and Assembly must be redistricted by the same law. On June 15, 1992, Justice DeGrasse of the New York Supreme Court, New York County, issued a Decision and Order in Dixon, et al. v. Cuomo, et al.,Index No. 13266-92, ruling that the 1992 Senate redistricting plan contained in 1992 N.Y. Laws chs. 76-78 was violative of Article I, section 11 and Article III, section 4 of the New York State Constitution. Justice DeGrasse did not address the 1992 Assembly plan. Both state court decisions were appealed to the New York Court of Appeals.

While the summary trial was in progress, on June 25, 1992 the Attorney General of the United States found that two Assembly districts in the northern part of Manhattan violated the Voting Rights Act of 1965. He precleared the remainder of the Assembly districts and all of the Senate districts in the Bronx, Brooklyn, and Manhattan. This court proceeded with the taking of proof, cognizant of the fact that the state had no valid redistricting plan in place based on both the Attorney General's decision and the New York Supreme Court decisions in Wolpoff and Dixon.

On June 30, 1992, the New York Court of Appeals reversed the lower courts' decisions in Wolpoff and Dixon, declaring that the 1992 Senate districts represent a balancing of state and federal requirements and that the districts comply with the New York State Constitution as far as is practicable. We turn now to the issues raised at trial.

DISCUSSION

I

We first review plaintiffs' contention that the 1992 Assembly plan violates the "one person, one vote" principle first articulated in Gray v. Sanders, 372 U.S. 368, 379 (1963), which is grounded in the equal protection clause of the Fourteenth Amendment. This principle prevents states from diluting an individual's right to vote and to receive equal representation, which can occur when one is placed in a heavily populated legislative district relative to other state districts. Reynolds v. Sims, 377 U.S. 533, 568, reh'g denied, 379 U.S. 870(1964). To prevent vote dilution, states must "make an honest and good faith effort to construct districts . . . as nearly of equal population as is practicable." Id. at 577.

Absolute equality in population is not required when to do so ignores state policy concerns that might justify minor deviations in population between legislative districts. See Gaffney v. Cummings, 412 U.S. 735, 748-49 (1973); accord, e.g., Connor v. Finch, 431 U.S. 407, 418 (1977).

Minor deviations from absolute equality among districts are presumptively valid. A "minor" deviation is defined as a deviation of less than 10 percent. See Brown v. Thomson, 462U.S. 835, 842 (1983). A plan that creates a maximum population deviation in excess of 10 percent constitutes a prima facie case of discrimination that must be justified by the state; otherwise the apportionment plan that caused the deviation is invalid. Id. at 842-43.

Turning to the present case, we look first to the maximum population deviation of the Assembly plan to determine whether it satisfies the 10 percent threshold for establishing a prima facie case of discrimination. A cursory examination reveals that the proof fails to establish a prima facie case. Plaintiffs' submissions to the Court are replete with concessions that the maximum population deviation in the Assembly plan is 9.43 percent, for example, in their trial brief of June 17, 1992 and their June 24, 1992 answers to the Special Master's questions. This concession is fatal to the one person, one vote claim because, absent credible evidence that the maximum deviation exceeds 10 percent, plaintiffs fail to establish a prima facie case of discrimination under that principle sufficient to warrant further analysis by this Court. See Brown, 462 U.S. at 842.

Moreover, we reject plaintiffs' contention that the state must justify an apportionment plan even though it creates a maximum deviation of under 10 percent. While plaintiffs' argument may be correct in the context

of state apportionment of Congressional districts, See Karcher v. Daggett, 462 U.S. 725,734 (1983) (when apportioning Congressional districts, state must justify even de minimis deviations from absolute equality), it has no application to apportionment of state legislative districts. "[M]inor deviations from mathematical equality among state legislative districts are insufficient to make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require justification by the State." Gaffney, 412 U.S. at 745 (emphasis added) quoted in Brown, 462 U.S. at 842. Accordingly, we find no violation of the one person, one vote principle.

II

We turn next to plaintiffs' allegation of political gerrymandering, a claim which also arises under the equal protection clause. To prevail on this argument, plaintiffs must prove that "the electoral system is arranged in a manner that will consistently degrade a voter's or a group of voters' influence on the political process as a whole." Davis v. Bandemer, 478 U.S. 109, 132 (1986) (plurality). In Bandemer, the Supreme Court did not indicate that political gerrymandering claims may arise from a gerrymander of one house of a bicameral legislature. To the contrary, the Court instructed that "the inquiry centers on the voters' direct or indirect influence on the elections of the state legislature as a whole," so that an equal protection violation may be found only when "the electoral system substantially disadvantages certain voters in their opportunity to influence the political process effectively." Id. at 133 (emphasis added).

Plaintiffs allege that the Assembly apportionment plan denies Republicans their right to fair and effective representation. Plaintiffs' evidence, even when considered in its most persuasive light, falls short of proving that the Assembly apportionment plan deprives

Republicans of an opportunity to "influence [New York State's] political process as a whole." Id. at 132. The fatal flaw in plaintiffs' case is the simple fact that the New York State Senate is an integral component of the state's legislature, and that Republicans hold a majority of the Senate seats. It may not sensibly be denied that a political party controlling the Senate is able to influence legislation. After all, no legislation becomes law without the approval of the Senate. Thus, a party that plays an active role in the Senate therefore plays an active role in the state political process. These undeniable facts are critical when a political party claiming to be gerrymandered out of the state's political process must show that it has been shut-out of the process "as a whole." Bandemer, 478 U.S. at 132.

The inevitable conclusion from the foregoing discussion is that a political party which is precluded from one house of a bicameral legislature is not necessarily foreclosed from the state's political process as a whole. Under Bandemer, plaintiffs cannot prevail on their political gerrymandering claim the Assembly apportionment plan without showing that the gerrymandering contaminated the Senatorial apportionment as well. Plaintiffs failed to present any evidence suggesting that defendants' gerrymandering contaminated the Senate apportionment plan. In fact, the evidence shows that the Assembly apportionment plan was a result of a political compromise that allowed the Republicans to craft the Senate apportionment plan while the Democrats fashioned the Assembly plan. It is difficult to fathom how plaintiffs can argue that the Assembly plan will consistently degrade Republicans' ability to influence New York's political process. See also Badham v. March Fong Eu, 694 F. Supp. 664, 670-71 (N.D. Cal. 1988) (three-judge court) (the absence of "strong indicia of lack of political power" for California Republicans fatal to partisan gerrymandering claim), aff'd. 488 U.S. 1024 (1989). Thus, the evidence

fails to support defendants' claim of political gerrymandering.

III

A.

In their third amended complaint plaintiffs raise three separate claims alleging unlawful diminution of voting rights, political power and influence for racial and language minorities through the reapportionment of the State Assembly. They contend the new plan violates the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment's protection against abridgement of the right to vote on account of race. The Equal Protection Clause of the Fourteenth Amendment guarantees the opportunity for equal participation by all voters, and redistricting plans that do not achieve fair and effective representation for all citizens impair basic constitutional rights secured by this Amendment. See Reynolds, 377 U.S. at 566. Plaintiffs also assert the Assembly plan effects a racial gerrymander in violation of the Voting Rights Act of 1965, 42 U.S.C. § 1973(a), (b) (1988).

We examine first plaintiffs' constitutional claims that the Assembly plan discriminates on the basis of race. Plaintiffs conceded at trial that defendants harbored no design or purpose to discriminate against minorities in reapportioning the Assembly. Instead, they claim minority vote dilution was caused by defendant's partisan gerrymandering efforts. In light of plaintiffs' concession, the Fourteenth and Fifteenth Amendment claims must fail. It is well settled that constitutional claims of the kind alleged here require proof that the apportionment plan be "conceived or operated as [a] purposeful devic[e] to further racial discrimination." Whitcomb v. Chavis, 403 U.S. 124, 149 (1971) (emphasis added). Without a racially discriminatory aim, see

Mobile v. Bolden, 446 U.S. 55, 62 (1980), the purposeful discrimination required under the Constitution cannot be shown. see, e.g., Arlington Heights v. Metropolitan Housing Dev. Corp., 429 U.S. 252, 265 (1977); Washington v. Davis, 426 U.S. 229, 240 (1976); Wright v. Rockefeller, 376 U.S. 52, 56, 58 (1964); Gomillion v. Lightfoot, 364 U.S. 339, 341, 347 (1960).

Plaintiffs point to decisions by other courts where a racially discriminatory motive was inferred from "an ultimate objective of keeping certain white incumbents in office . Ketchum v. Byrne, 740 F.2d 1398, 1408 (7th Cir. 1984). cert. denied, 471 U.S. 1135 (1985). See also Garza v. County of Los Angeles. 918 F.2d 763, 771 (9th Cir. 1990) (splitting of minority communities was the means chosen by the legislature for achieving preservation of incumbency). cert. denied, 111 S. Ct. 681 (1991); Armour v. Ohio, 775 F. Supp. 1044, 1060-61 (N.D. Ohio 1991). But plaintiffs failed to demonstrate any linkage between the alleged fragmentation of minority communities in Monroe, Nassau, Erie or Westchester Counties, and an alleged intent to preserve the incumbency of "certain white incumbents." Without that correlation, intentional discrimination cannot be inferred.

In fact, in Assembly Districts 18, 133 and 141, (Nassau, Monroe and Erie), where the fragmentation of minority communities is alleged by plaintiffs -- though to which communities plaintiffs refer is not clear from the pleading -- a black incumbent presently holds office, and in A.D. 84 in Westchester County there is no resident incumbent. And examining areas with substantial minority communities elsewhere in the state, such as in Buffalo, the Capitol District, Syracuse, Staten Island and Suffolk County, we find apportionment that appears to consolidate minority populations -- possibly in the interests of maximizing minority influence -- rather than discriminatory fragmentation. Hence, no racial

gerrymandering under the Fourteenth and Fifteenth Amendments has been found to exist.

B.

In addition to satisfying constitutional requirements, redistricting plans must comply with the Voting Rights Act of 1965, as amended in 1970, 1975, and 1982 (42 U.S.C. § 1973 et seq.) (Act). The Act is intended to facilitate implementation of the Fifteenth Amendment -- to protect citizens from the denial or abridgement of the right to vote based on race or color. See National Assoc. for the Advancement of Colored People v. New York, 413 U.S. 345, 350 (1973); South Carolina v. Katzenbach, 383 U.S. 301, 315 (1966) (primary purpose of the Act is "to rid the country of racial discrimination in voting" (footnote omitted)).

The Act prohibits the enforcement of any voting "practice, or procedure . . . [that] results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color," (42 U.S.C. § 1973(a)), or "because he is a member of a language minority group." 42 U.S.C. § 1973b(f)(2). In Allen v. State Board of Elections, 393 U.S. 544, 567 (1969), the Supreme Court held that the Act should be interpreted in a manner that provides "the broadest possible scope" for eliminating racial discrimination.

Section 2 of the Voting Rights Act is divided into two subsections. Subsection 2(a) prohibits any voting procedure that "results in a denial or abridgement of" the voting rights of a person on account of race, color, or membership in a language minority. 42 U.S.C. § 1973(a). Subsection 2(b) provides that a violation of subsection 2(a) is established by a showing that "based on the totality of circumstances," members of a class protected under subsection 2(a) "have less opportunity than other members of the electorate to participate in

the political process and to elect representatives of their choice." § 1973(b).

The leading case construing section 2 of the Act is Thornburg v. Gingles, 478 U.S. 30 (1986). Applying the 1982 Amendments to § 2 of the Act, the Supreme Court utilized a "totality of the circumstances" test to hold that "a court must assess the impact of the contested structure or practice on minority electoral opportunities 'on the basis of objective factors'." Id. at 44 (quoting S. Rep. No. 99-417, 97th Cong., 2d Sess. at 27, reprinted in 1982 U.S.C.C.A.N. 177, 205 ("Senate Report")) (emphasis added). A non-exhaustive list of the "circumstances" relevant to our inquiry is set forth in the Senate Report at 28-29. A violation exists when the political process and opportunities to elect representatives of their choice are not equally accessible to members of a protected group and other members of the electorate. Chisom v. Roemer, 111 S. Ct. 2354, 2365 (1991).

The standard § 2 challenge is an assertion of minority vote dilution. Minority vote dilution can occur in one of two ways: by fragmenting large concentrations of minority populations and dispersing them into separate electorate districts, or by concentrating minorities into districts where they constitute an excessive majority. Thornburg, 478 U.S. at 46 n.ll. Hence, in order to not dilute the voting strength of minority groups, redistricting lines should be drawn that neither "dispers[e] [minorities] into districts in which they constitute an ineffective minority of voters" (often referred to as "fragmenting" districts), nor "concentrat[e] [minorities] into districts where they constitute an excessive majority" (often referred to as "packing" districts). Id.

The Supreme Court in Thornburg developed a three-part test that a minority group must meet to establish a vote dilution claim under § 2. That test requires: (1) that a minority group be sufficiently large and geographically compact to constitute a majority in a single member district; (2) that the minority group also be politically cohesive; and (3) that bloc voting by the white majority, in the absence of special circumstances, usually defeats the minority's preferred candidate. Id. at 50-51. Upon reviewing the numerous maps, tables, charts and affidavits submitted by the parties, the New York State Legislative Task Force Submission to the Department of Justice, reports and affidavits of experts and other witnesses for the parties and assorted other evidence, we hold that plaintiffs have failed to prove the 1992 plan reapportioning the Assembly, as enacted by the Legislature and Governor in Chapters 76, 77 and 78 (1992), violates § 2 of the Voting Rights Act.

We note first that a state's redistricting law is ordinarily accorded deference as a constitutionally compliant enactment. See Clements v. Fashing, 457 U.S. 957, 962-63 (1982). This deference, at least with respect to the three counties of Kings, New York and Bronx, which are subject to continuing review by the Department of Justice under § 5 of the Voting Rights Act, is amplified by the Department's intervening preclearance of the Assembly plan, with the exception of two districts in northern Manhattan, A.D. 71 and A.D. 72. In light of plaintiffs' heavy burden we find plaintiffs have failed to establish a violation of § 2 under the three prong analysis set forth in Thornburg.

We are not persuaded that the alleged "packing" of minority districts effected in the Assembly plan rises to the level of a Voting Rights Act infirmity. Plaintiffs argue the plan creates too few minority control districts because it uses too high a percentage of minority population to create an effective control district. For

instance, the Assembly plan includes 9 districts with black populations greater than the 65% rule of thumb adopted in United Jewish Orgs., Inc. v. Carey, 430 U.S. 144, 162-65 (1977). The higher minority concentrations are needed, defendants claim, principally due to various lower voter turnout, registration and voting age population figures among minorities as compared to the non-Hispanic white community, and due to the geographic concentrations of minorities in certain areas.

We are unpersuaded that these districts are unlawfully packed. Plaintiffs have not convinced us that the state legislature's decision to heighten the minority population in certain Assembly districts is a pretext for an unworthy goal. Moreover, under some circumstances, the use of a lower population threshold for minority districts may lead to ineffective minority control districts. This choice is a matter of judgment, and we cannot say on this record that the legislature exercised its judgment unlawfully.

This result is not inconsistent with the Attorney General's decision preclearing all Assembly districts in the new plan except A.D. 71 and A.D. 72 under § 5 of the Voting Rights Act. As to those two districts, the Justice Department's withholding of preclearance will require that they be redrawn. Accordingly, we have no need to make an independent determination whether they violate § 2.

Plaintiffs also claim § 2 of the Act requires that in areas where minorities are not sufficiently large and compact to constitute a majority of voters in a single district, they should be consolidated into a single district to maximize their ability to influence elections. Whether influence districts are required under the Voting Rights Act has not been expressly determined by the Supreme Court. See Thornburg, 478 U.S. at 46-47 n.12; Chisom, 111 S. Ct. at 2365 n.24. Compare Armour, 775 F. Supp.

at 1052 (influences districts required under Section 2) with Turner v. Arkansas, 784 F. Supp. 553, 571 (E.D. Ark. 1991) (influence districts not required). aff'd, 112 S. Ct. 2296 (1992); Hastert v. State Bd. of Education, 777 F. Supp. 634 (N.D. Ill. 1991) (same). We need not answer this question because even assuming the Act requires that influence districts be provided, plaintiffs failed to sustain their burden of proof on this issue. Evidence regarding the cohesiveness of minority voting and the racial polarization of white majority voters in the areas of New York where an influence district claim might apply is lacking in plaintiffs' proof. In the event influence districts are necessary. Thornburg's requirements of racial polarization and minority cohesiveness must be met to sustain such a challenge.

IV

Finally, we turn to the question of how today's ruling, when considered in conjunction with the myriad other activities that have transpired during the past week, affects the Senate apportionment plan. As noted in earlier decisions and orders, no party before this Court has challenged the state's 1992 Senate apportionment plan. The Scaringe case only challenges the 1983 Senate districts in light of the 1990 census, and raises no substantive challenge to the 1992 districts. Scaringe was undoubtedly brought in anticipation of the 1992 Senate plan being declared invalid, so as to prevent the state from administering the coming election under the 1983 apportionment plan. As noted above, we granted plaintiff's motion for summary judgment in Scaringe thereby declaring the 1983 Senate districts invalid in light of the 1990 census.

At first glance, the recent decision by the New York State Court of Appeals would seem to moot the Scaringe action because the 1992 Senate apportionment plan has now been adjudicated valid on its merits by

New York's highest court, as well as having been precleared by the Attorney General. Nonetheless, the case is not moot. Administration of an election under the 1992 Senate apportionment plan is foreclosed by the fact that the Attorney General refused to preclear the 1992 Assembly plan, thereby rendering the Assembly plan invalid. Because Article Three, Section 5 of the New York Constitution requires that valid Senate and Assembly plans must be enacted in the same legislation, any continuing invalidity of the Assembly apportionment plan necessarily invalidates the Senate plan. In re Orans, 15 N.Y.2d 339, 351. app. dismissed, 382 U.S. 10 (1965). Thus the Attorney General's rejection of the Assembly plan therefore invalidates the Senate plan, even though the Attorney General (and the New York Court of Appeals) approved the Senate plan on its merits. New York State is currently without a valid Assembly or Senate apportionment plan for the 1992 election.

Although we granted plaintiff's motion for summary judgment in Scaringe, in an order dated June 24, 1992, we retained jurisdiction so as to fashion an appropriate remedy. Given the imminence of the 1992 election season and the absence of a valid Senate or Assembly apportionment plan to govern the elections, an appropriate remedy in this case is obviously the issuance of an apportionment plan to govern the upcoming elections. With respect to the Senate election, implementation of such a plan is not difficult. We may simply order the identical Senate apportionment plan precleared by the Attorney General be utilized for the 1992 election season. The plan has survived all challenges mounted against it and would be valid but for the state constitutional provision that requires its enactment in the same bill as a valid Assembly plan. By ordering the election to occur in accordance with the state's Senate plan, we adhere to our obligation to "follow the policies and preferences of the State, as

expressed in statutory and constitutional provisions or in the reapportionment plans proposed by the state legislature, whenever a adherence to state policy does not detract from the requirements of the Federal Constitution . . . . " White v. Weiser, 412 U.S. at 795; accord Upham v. Seamon, 456 U.S. 37, 4143, reh'g denied, 456 U.S. 938 (1982).

Intervenor-defendants Ohrenstein and Masiello have forcefully argued that this Court is without jurisdiction to order implementation of a new apportionment plan in Scaringe. The Senate defendants in Scaringe later made a similar motion on July 1, 1992 claiming the Court is without the power to fashion a new Senate plan. Although intervenor-defendants have since withdrawn their argument, we consider these challenges to our jurisdiction serious enough to be deserving of an explanation of our action in the Scaringe case. Intervenor-defendants' contended that plaintiff requested such relief only "in the event the Attorney General objects to . . . [the] Senate [plan] . . ." Intervenor-defendants urged that since the condition precedent to relief under this clause, to wit, an objection by the Attorney General, did not occur, the Court is not empowered to direct the use of an apportionment plan with respect to the Senate.

Yet, the remedy we fashion today is not issued pursuant to the clause of the complaint upon which these intervenor-defendants exclusively relied. Rather, relief is ordered pursuant to the clause that requests the Court to "[g]rant such other and further relief as the Court deems just and proper under the circumstances," a clause that we believe allows us to act without regard to the Attorney General's preclearance of the Senate plan. Consequently, the complaint invokes this Court's jurisdiction to afford a remedy in this case, and we do so for the sake of ensuring a fair, timely election in New York State this Fall.

CONCLUSION

After reviewing the proof following the summary trial of the F.A.I.R. action, the Court concludes that the challenges raised in plaintiffs' complaint to New York's Assembly redistricting plan are without merit. No constitutional or statutory violation is found by this Court except for the Attorney General's refusal to preclear A.D. 71 and A.D. 72 under the Voting Rights Act. With respect to those two districts, we have directed the Special Master to draw new district lines for them, and for such contiguous districts as may thereby be affected, to bring those districts into compliance with the Voting Rights Act. With respect to the remaining districts in the Assembly plan and the entire Senate plan, we defer to the legislature's plan and adopt its apportionment of those districts. See Upham, 456 U.S. at 4041. We will implement the Special Master's plan, as accepted and approved by this Court, as the apportionment of New York's Senate and Assembly districts, unless the legislature has in place a precleared plan before July 9, 1992.

_____
Richard J. Cardamone, Circuit Judge
United States Court of Appeals

_____
Neal P. McCurn, Chief Judge
United States District Court

_____
Howard G. Munson, Senior Judge
United States District Court

Dated: Utica, New York
August 19, 1992

APPENDIX B

Memorandum and Order of Three-Judge Court July 8, 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., *et al.*

Plaintiffs,

-against- 92-CV-283

SAUL WEPRIN, *et al.*

Defendants.

ORDER

In light of the order of this Court dated July 2, 1992 [2] finding no statutory on constitutional violation in the 1992 New York State Assembly redistricting plan as drawn by the Legislature in Chapters 76, 77 and 78 (1992), and in light of today's decision by the Attorney General of the United States preclearing amended Assembly District 71 and 72, in addition to the remaining Assembly Districts and the entire Senate apportionment plan which were previously precleared by the Department of Justice on June 24, 1992, this Court hereby withdraws the remedial plans submitted to it by

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[2] See APPENDIX A for the August 19, 1992 Memorandum and Order of Three-Judge Court (Amending Memorandum and Order of July 2, 1992)

the Special Master, and it also hereby dismisses plaintiffs' complaints in the above three actions with prejudice.

It is so Ordered.

APPENDIX C

Memorandum and Order of Three-Judge Court
June 23, 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., *et al.*

Plaintiffs,

-against- 92-CV-283

SAUL WEPRIN, *et al.*

Defendants.

PER CURIAM:

In a Memorandum and Order of the United States District Court for the Northern District of New York (Cholakis, J.) dated May 22, 1992, a motion to dismiss this complaint for lack of standing by the plaintiffs was partially granted to the extent that the Town of Catskill, Greene County, and the Buffalo Common Council (the municipal plaintiffs) were dismissed. this three-judge district court, pursuant to the authority granted it under 28 U.S.C.§ 2284(b)(3) (1988), has reviewed the order, and the submissions from the parties which we solicited in our Memorandum and Order dated May 28, 1992. For the reasons that follow, we affirm Judge Cholakis' order.

I

The facts of this matter have been stated in detail in orders by Judge Cholakis and this Court, dated May 20, 22, and 28, 1992, and the readers' familiarity with them is assumed. On March 3, 1992 the Fund for Accurate and Informed Representation, Inc. (FAIR) and several individual citizens filed a complaint challenging the redistricting proposal of the New York State Legislature. An amended complaint was filed on May 5, 1992 and challenged the 1983 and 1992 New York State Assembly districting plans. The amended complaint included as new plaintiffs the Town of Catskill, Greene County, the Buffalo Common Council, several organizations (collectively referred to as the corporate plaintiffs) and several individual citizens. The amended complaint is subscribed by William Ryan, Esq., an attorney for the law firm of Tabner and Laudato, Esqs., as "Attorneys for Plaintiffs," distinctly referring only to him. IN addition, two other attorneys' name appear that appeared i the first complaint and three additional attorneys' names appear for the first time, including George Pulver, Esq.

Plaintiffs brought this actin against three groups of defendants that are referred to as the executive, the assembly and the senate defendants respectively. The executive defendants filed a motion to dismiss the amended complaint on the ground the plaintiffs lack standing. This motion was filed with the Court and served only on attorney Ryan. In his order dated May 20, 1992, Judge Cholakis noted that plaintiffs had failed to respond to the motion to dismiss for lack of standing and permitted them to respond to the motion by May 21, 1992. Mr. Ryan submitted a memorandum opposing the motion (the plaintiffs' memorandum), which included at its conclusion the names of all the attorneys that appear at the bottom of the amended complaint, including attorney Pulver. In addition, the phrase

"Attorneys for Plaintiffs" appears for the first time removed from the address of Tabner and Laudato, and instead appears only after all the attorneys' names are listed. Mr. Pulver did not submit a memorandum opposing the motion to dismiss.

On May 22, 1992 Judge Cholakis granted the motion to dismiss for lack of standing only to the extent the municipal plaintiffs were dismissed. He noted the plaintiffs' memorandum did not address the municipal plaintiffs' status. The district court judge determined the municipal; plaintiffs had not argued that they had "suffered an injury sufficient to enable [them] to sue in [their] own right," nor did they argue they had "standing to sue in their representational capacity." In the memorandum and order of the three-judge district court dated May 28, 1992, we invited the municipal plaintiffs to file a motion regarding the decision of Judge Cholakis.

II

Mr. Pulver, who represents Greene County, asserts the dismissal of his client comes as a "complete surprise." He contends his client was not served with any documents in this actin and, thus, under General Rule 10(g), can not be dismissed by a motion that was never served on it. He also contends the Town of Catskill has been severed from the rest of Greene County, and appended to an Assembly District located across the Hudson River and encompassing primarily Duchess County. This severance was committed, he continues, based on no legitimate or rational state purpose but rather due to the political gerrymandering efforts of the State Assembly.

In response, the executive defendants argue service was properly made upon the only attorney noted in the first amended complaint that included another

District Bar Roll Number and next to whose name appeared the legend "Attorneys for Plaintiffs". They point out that Greene County received Judge Cholakis' order providing for additional time to respond to the motion to dismiss for lack of standing. In addition, the plaintiffs' memorandum submitted by attorney Ryan in opposition to the motion to dismiss included attorney Pulver's name as a submitting attorney.

At the outset, we refuse to deny the motion to dismiss for failure to serve the municipal plaintiffs. Local Rule 10(g) provides that motions not served upon opposing parties "may be deemed by the court as consent to the . . . denial of the motion." U.S. Dist. Ct. for Northern Dist. of N.Y. Local R. 10(g) (emphasis added). The rule does not require the court to deny the motion. Under the present circumstances, a denial on such grounds would be inappropriate. Even without receipt of the motion, the order of Judge Cholakis dated May 20, 1992 provided notice to attorney Pulver to respond to the motion. This three judge court's order of May 28, 1992 provided further notice and opportunity to the municipal plaintiffs to be heard. Given that the municipal plaintiffs had two opportunities to respond to the motion, there is nothing unfair about reaching the merits.

Moreover, we decline to find that the municipal plaintiffs were not served with the motion. The amended complaint and the papers submitted in opposition to the motion named Mr. Ryan and his law firm as the "Attorneys for Plaintiffs." More importantly, the plaintiffs' memorandum included Mr. Pulver as a submitting attorney and implicitly conceded proper service when it failed to object on those grounds. Thus, it was reasonable for Judge Cholakis to have considered the municipal plaintiffs represented by the submission of "plaintiffs' memorandum."

Even were we to overlook the failure of the municipal plaintiffs to present their arguments to Judge Cholakis, their new submissions in favor of standing are unavailing. These plaintiffs have failed to address the infirmities Judge Cholakis noted in his May 22, 1992 order. They have not alleged any "personal stake in the outcome of the controversy," Baker v. Carr, 369 U.S. 186, 204 (1962), or any facts showing disadvantage to themselves." Id. at 206. Although under the new plan as a political subdivision the Town of Catskill may be severed from the remainder of Greene County, we are bound by Mirrione v. Anderson, 717 F.2d 743 (2d Cir. 1983), which held, without regard for what protection may lie under the New York Constitution, no protection from fragmentation under the United States Constitution or federal law is accorded political subdivisions in the redistricting process. In fact, municipal plaintiffs concede the standing issue may be moot given our dismissal of the community fragmentation claim. And whatever injury political gerrymandering, racial gerrymandering, or vote dilution may cause, this harm is not suffered by the municipal plaintiffs.

Nor do they contend they have standing in their representative capacity sufficient to meet the three-prong standard stated in Hunt v. Washington Apple Advertising Comm'n, 432 U.S. 333, 343 (1977). Most importantly, they fail to assert and we do not find, as we must to establish associational standing to sue, that the "interests [they seek] to protect are germane to the organization's purpose." Id. at 343.

Instead, the municipal plaintiffs argue the redistricting plan severs sections of political subdivisions solely due to the political gerrymandering efforts of the defendants. That political subdivisions are "frequently charged with various responsibilities incident to the operation of state government," as municipal plaintiffs repeatedly quote from Reynolds v. Sims, 377 U.S. 533,

580 (1964), does not necessarily mean they have standing to assert the constitutional rights of their constituents. Concededly, the severance of political subdivisions may evidence efforts to gerrymander the Assembly districting plan that rise to constitutional proportions. Despite the presence of colorable constitutional claims of political gerrymandering through the fragmentation of political subdivisions, such does not, without more, confer standing upon the municipal plaintiffs to sue.

Consistent with the memorandum and order of Judge Cholakis, the motion to dismiss the Buffalo Common Council, Greene County, and the Town of Catskill for lack of standing which he granted is affirmed.

APPENDIX D

Memorandum Decision and Order
June 19, 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., *et al.*

Plaintiffs,

-against- 92-CV-283

SAUL WEPRIN, *et al.*

Defendants.

NEAL P. MCCURN, C.J.

ORDER

In its Memorandum and Order of Three-Judge Court dated June 18, 1992 in the parallel case of Scaringe, et al. v. Marino, et al., No. 92-CV-593, the court noted that there does not appear to be any substantial disagreement between the parties on the limited issue of the constitutionality at this time of the 1983 Senate and Assembly districts. Specifically, plaintiff Scaringe's complaint urges the court to declare the 1983 Senate and Assembly districts unconstitutional on the ground that the population deviations in those districts at this time, as revealed in the 1990 Census data, are impermissibly broad. Although defendants Cuomo, Lundine, and the Board of Elections

(collectively "the executive defendants") moved to dismiss the complaint, their motion papers included a discussion of the same broad population deviations followed by the statement that "[t]he Executive Defendants do not suggest that 1992 Assembly elections ought to be conducted on the old district lines." Executive Defendants' Memorandum of Law, at 11. Defendants Marino, Skelos, and the Senate of the State of New York (collectively "the Senate defendants") definitively stated their belief that "[t]he existing (1984) districts are unconstitutionally malapportioned. . . ." Senate Defendants' Opposition to Executive Defendants' Motion for Dismissal or Abstention, at 2. In view of the apparent absence of a genuine dispute of fact on the limited issue of the constitutionality of the 1983 Senate and Assembly districts at this time, the court directed plaintiff Scaringe to file a motion for summary judgment on the relief requested in 1 and 3 of the ad damnum clause of his complaint, to be decided by the court at the trial scheduled for June 24, 1992 in Utica, New York. All papers related to the summary judgment motion were directed to be filed and served via facsimile no later than 5:00 p.m. on Monday, June 22, 1992, with supplemental papers, if necessary, to be filed and served via facsimile no later than 5:00 on Tuesday, June 24, 1992.

The plaintiffs in the instant action raise this identical issue in their third-amended complaint, seeking a declaration that the existing Assembly districts are invalid and an injunction to prevent defendants from proceeding with Assembly elections using the Assembly districts as currently apportioned. In the interest of judicial efficiency, the court invites plaintiffs in the instant action to file a summary judgment motion under the same guidelines set for the parties in Scaringe.

To that end, plaintiffs are directed to file a motion for summary judgment addressing the limited

issues of the constitutionality at this point in time of the 1983 Assembly districts and the appropriateness of an injunction barring the defendants from proceeding with the 1992 Assembly elections using the 1983 districts. Plaintiffs are directed to file and serve via facsimile their motion papers in accordance with Fed. R. Civ. P. 56, no later than 5:00 p.m. on Monday, June 22, 1992.[3] If defendants concede the lack of a genuine dispute of fact on these issues, they are directed to file and serve a brief notice to this effect no later than 5:00 p.m. on Monday, June 22, 1992. The positions taken by defendants in their papers in the Scaringe action notwithstanding, if defendants in this action believe a genuine dispute of fact exists on these limited issues, they are directed to file opposition papers in accordance with Fed. R. Civ. P. 56 no later than 5:00 p.m. on monday, June 22, 1992. The parties may, if necessary, submit supplemental papers not to exceed five pages by no later than 5:00 p.m. on Tuesday, June 23, 1992. All remaining issues shall proceed as scheduled to a trial on the merits on June 24, 1992 in Utica, New York.

It is So Ordered.

Dated: June 19, 1992
Syracuse, New York

NEAL P. McCURN
Chief, U.S. District Judge

[3] All parties should be served via facsimile, and each of the judges on the three-judge panel should also be served via facsimile, with the original papers mailed for filing with the Clerk's Office in Utica, New York.

APPENDIX E

Memorandum and Order of Three-Judge Court
May 28, 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., *et al.*

Plaintiffs,

-against- 92-CV-283

SAUL WEPRIN, *et al.*

Defendants.

PER CURIAM:

This action involves a challenge to both the currently existing New York State Assembly districting plan and to the redistricting apportionment plan recently enacted by the State. Plaintiffs ar the Fund for Accurate and Informed Representation, Inc. (FAIR), a New York not-for-profit corporation, the Brooklyn Political Action Committee the Bay Ridge Community Council, (corporate plaintiffs), the Town of Catskill, Greene County, and the Buffalo Common Council (municipal plaintiffs), as well as several individual plaintiffs who are registered voters, many of whom are members of minority groups. Defendants are the New York State Assembly, its Speaker, the Legislative Task Force on Demographic Research and Reapportionment, and one

of its Co-Chairman who is also a member of the Assembly (collectively the Assembly defendants). The Senate of the State of New York and a member who is Co-Chairman of the Legislative Task Force (Senate defendants), the Governor and Lt. Governor of the State of New York and the Board of Elections of New York State (Executive defendants).

Plaintiffs seek relief in a complaint that alleges three causes of action: The first contains these four claims -- (1) the Assembly is not presently apportioned -- nor is the proposed reapportionment plan -- consistent with the required principle of "one person, one vote," (2) the newly enacted Assembly reapportionment plan comprises a partisan gerrymander which discriminates against citizens who support the Republican Party; (3) the new plan violates the Federal Civil Rights Act and Voting Right Act of 1965 by diluting minority voting right and interests; and (4) the new plan violates the Equal Protection Clause of the 14th Amendment by "fragmenting cohesive communities of interest and political subdivision between Assembly districts," The second and third clauses of action assert the failure to adopt a constitutional reapportionment plan for the Assembly district in a timely manner prior to the commencement of the 1992 New York electoral process irreparably harms the plaintiff and violates constitutional rights of minority candidates and their minority supporters.

Prior to the filing of an amended complaint, individual affected citizens together with the Assembly defendants filed a declaratory judgment action in the New York State Supreme Court, Kings County, seeking a judicial declaration that the Assembly plan complies with the 14th and 15th Amendment to the United States Constitution, the Voting Rights Act, and the Mew York State Constitution. The legal landscape changes rapidly in this litigation. One change is, at the time of this

writing, the state declaratory judgement action has been removed by plaintiff to the federal district court for the Eastern District of New York accompanied with a motion to transfer the declaratory judgment action to the Northern District of New York to be consolidated with the instant action. Assembly defendants have moved to remand the matter to State Supreme Court, and the matter is to be heard at 5:00 p.m. on Thursday May 28, 1992 in the Eastern District before United States District Judge Eugene Nickerson.

Further facts regarding the status of the reapportionment plan, the present federal action, and the related action for declaratory relief brought by the defendants in New York State Supreme Court are sufficiently set forth in the Memorandum Decision and Order dated May 20, 1992 of the United States District Court for the Northern District of New York (Cholakis, J.), familiarity with which is assumed. The Assembly defendant moved before Judge Cholakis asking that he abstain from exercising federal jurisdiction because of the parallel state court proceeding, that he dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6), grant defendants summary judgment as to the Voting Rights claims. The Executive defendants moved to dismiss the claims pursuant to Fed. R. Civ. P. 12(b)(6) and for an order staying the federal proceedings until the United States Department of Justice and the New York State Supreme Court had completed their independent review of the proposed plan.

Judge Cholakis declined either to abstain or to stay the proceedings. With regard to count I, the district judge denied the motion to dismiss the claim contesting the alleged unconstitutionally impermissible population deviations between the districts found in the present and proposed plans. Although the plan's maximum percentage deviation had prima facie validity, the district judge believed the complaint sufficiently alleged a

constitutional violation as to permit plaintiffs an opportunity to rebut that presumption. The district court dismissed the partisan gerrymandering claim because the plaintiffs' complaint was not pleaded with adequate specificity. Again, it dismissed the community fragmentation claim for failing to state a cause of action upon which relief could be granted. At the same time, without reaching or deciding the motion to dismiss the racial gerrymandering claims brought under the Voting Rights Act, it denied defendants' motion for summary judgment on this claim because it found genuine issues of material fact. With regard to counts II and III, the district judge denied the motions to dismiss in light of the pending commencement of New York's electoral process with the circulation of designating petitions on June 9, 1992 and the absence, of any assurances that a valid apportionment plan would be in place at that time. Judge Cholakis reserved decision on defendants' motion to dismiss on the grounds that plaintiffs lacked standing to maintain this suit. On May 22, 1992 the district court judge denied the motion insofar as the individual and corporate plaintiffs are concerned and granted it as to municipal plaintiffs on the grounds that the latter had not responded to defendants' motion.[4]

On May 21, 1992, the day after Judge Cholakis order and decision, plaintiffs responded by filing a second amended complaint. In their new pleading, plaintiffs set forth detailed allegations of the manner and intended effect of the partisan gerrymandering allegedly accomplished with the new apportionment plan. The second amended complaint also set forth numerous

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[4] Municipal plaintiffs may, if desired, file any motion in relation thereto in accordance with the schedule set forth at the conclusion of this memorandum decision.

examples of fragmented communities and subdivisions distributed amongst new districts in the plan.

A three-judge district court was convened by order dated April 16, 1992 and the present three-judge panel was convened by an amended order filed May 20, 1992. Pursuant to the authority granted us under 28 U.8.C. § 2284(b)(3), we have reviewed Judge Cholakis' order dated May 20 1992, and the parties submissions which we sought with respect to that order by facsimile transmission dated May 22, 1992. For the reasons stated, we affirm, in part, and vacate, in part.

I

We consider as a threshold matter defendants' suggestion made to this panel, as to Judge Cholakis, that we abstain from exercising federal jurisdiction in light of the pending Kings County New York State Supreme Court action.

Abstention is grounded on comity. The notion of comity embraces a proper respect for state functions, a recognition that the national government fares best when the states and their institutions are left free to perform their separate functions in their own separate ways. Jointly involves a sensitivity to the legitimate interest of both state and national governments, and in which the latter, anxious though it may be to vindicate and protect federal rights, particular voting rights, always tries to do so in ways that do not unduly interfere with legitimate state activity. See Younger E. Harris, 401 U.S. 37, 44 (1971).

The doctrine of abstention recognizes that in circumstances a federal court, having jurisdiction over a dispute should decline to exercise it in deference to the state courts. In Scott v. Germano, 381 U.S. 407 (1965) (per curiam), the Supreme Court overturned a decision

of a federal district court declining to stay a state legislative redistricting case in the face of lawsuit over the same subject matter pending in state court. It instructed federal courts to defer to state institutions in fashioning relief in redistricting matters. We recognize further that ordinarily the state has primacy in fashioning a redistricting plan, and its judiciary is entitled first to pass on it. Only upon a showing that state agencies cannot act expeditiously in light of the state's election calendar should we interfere with its effort to review the constitutionality of the redistricting plan. See White v. Weiser, 412 U.S., 783, 795 (1973); Chapman v. Meier, 420 U.S. 1, 27 (1975).

Moreover, the redistricting plan adopted by the New York State legislature and signed into law by the governor is subject to the preclearance requirements of the Voting Rights Act. 42 U.S.C. § 1973e. Preclearance involves three New York City boroughs, the Bronx County, Kings County (Brooklyn) and New York County (Manhattan). The Department is proceeding expeditiously, so we are advised, reviewing the plan enacted by the state for compliance with the Voting Rights Act. After preclearance by the Department of Justice, a federal court should defer on those precleared issues -- absent a finding of another constitutional violation -- to the lines drawn by a state and approved by the Department of Justice. See Upham v. Seamon, 456 U.S. 37 (1982).

Whether or not the criteria for abstention have been met in this case, we think it imprudent to stay our hands in light of the time structures afforded the parties and the courts to review this complex plan. In addition, it makes little sense for this district court to steam at full speed down a track parallel to that on which the state court is running and for each to reach separate, perhaps conflicting conclusions. Yet, despite the fact that "too many cooks may spoil the broth," such is the present

pasture of this litigation and we obliged to proceed. We turn to review the allegations of plaintiff's complaint and Judge Cholakis' disposition of _____.

II

A. One Person, One Vote

The maximum population deviation between districts under the present approved redistricting plan is 9.43 percent, and though greater deviation than that has been upheld by the Supreme Court, see, e.g., White v. Regester, 412 U.S. 755 (1973), Mahan v. Howell, 410 U.S. 315 (1973), the validity of such population divergence depends on those concerns needed to effectuate a rational state policy. See Reynolds v. Sims, 377 U.S. 533, 579 (1964). We agree with Judge Cholakis that the plaintiffs should be given an opportunity to demonstrate that no legitimate consideration based on a rational state policy supports the population deviations found in the present and approved plans. Because we are unable to say, based only on the allegations of the complaint, that plaintiffs can prove no set of facts at this stage of the proceedings supporting this claim, see Dahlberg v. Becker, 748 F.2d 85, 88 (2d Cir. 1984), defendants' motion to dismiss the one person, one vote challenge was properly denied.

B. Partisan Gerrymandering

In Davis v. Bandemer, six justices of the Supreme Court concluded that allegations of partisan, or political, gerrymandering presented justiciable questions under the Equal Protection Clause of the 14th Amendment. See 473 U.S. 109, 118-27 (1986). Two justices determined a lesser threshold to succeed with such a claim was constitutionally required. A plurality of four justices apparently imposed a two-fold requirement in alleging and proving a prima face claim: (1) intentional

discrimination and (2) a more than de minimis actual discriminatory effect. Judge Cholakis properly denied this claim because plaintiffs failed in their first amended complaint to allege sufficiently serious discriminatory effects -- either in the past or future -- due to, the present or proposed district plans that would demand our intervention in what is a state reapportionment matter. See Bandemer, 478 U.S, at 134. The second amended complaint, however, sets forth in more than adequate detail allegations of intentional discrimination and significant harms this plan allegedly will cause. In light of the second amended complaint, we think the increased particularity in pleading required under Bandemer has been satisfied and we cannot conclude beyond doubt that plaintiff can prove no set of facts upon which relief might be warranted under the Constitution. The decision to dismiss the partisan gerrymandering claim, consequently, is vacated and the motion to dismiss is denied.

C. Racial Gerrymandering

The sufficiency of plaintiffs' pleadings that allowed a racially discriminatory dilution of minority voting rights was not passed on in the May 20, 1992 order. Racial gerrymandering claims brought under the Voting Rights Act of 1965 and the 15th Amendment require a demonstration by plaintiffs that they had an opportunity to elect candidates of their own choice and were discriminatorily deprived of that right by the dilution of the potential voting strength of the minority vote. See 42 U.S.C. § 1973(a), (b) (1988); Thornburg v. Gingles, 478 U.S. 30, 45-51, n.17 (1986). In order to prove the potential, given an opportunity to elect representatives in the absence of the dilutive districting, plaintiffs must as a threshold matter prove: (1) the minority group is sufficiently large and compact enough to comprise a majority in a single district (2) the minority group is politically cohesive; and (3) the white

majority usually runs sufficiently as a block to defeat any preferred candidate of the minority. See Thornburg, 478 U.S. at 46 (citing Senate Report No. 97-417 at 33 that notes plaintiffs must prove existence of minority voting block); see, also, id. at 48-51, n. 17.

The plaintiffs allegations concerning racial gerrymandering are found in two paragraphs of the amended complaint:

> 51. The newly enacted Assembly plan violates the federal Civil Rights Act and the Voting Rights Act of 1965, as amended, through the dilution of minority voting rights and interests.
> 52. The newly enacted Assembly plan violates the 15th Amendment of the U.S. Constitution by intentionally discriminating on the basis of race, which results in a dilution of minority rights and interests.

These conclusory allegations insufficiently plead the elements of racial gerrymandering upon which relief could be granted and do not withstand defendants' motion to dismiss under Fed. R. Civ. P. 12(b)(6). The racial gerrymandering claim therefore is dismissed. This procedural disposition is nevertheless not to be read as expressing any view with respect to the merits of this claim.

D. Community Fragmentation

Plaintiffs' assertion that "cohesive communities" or "political subdivisions" are fragmented under the approved plan in support of no legitimate state purpose was properly dismissed by Judge Cholakis. communities and subdivisions are accorded no protections under the United States Constitution or federal law from fragmentation in the formation of election districts. See Mirrione v. Anderson, 717 F.2d 743 (2d Cir. 1983). No amount of detailed allegations in the second or

subsequent amended complaints can surmount this legal hurdle.

III

In their second and third causes of action plaintiffs allege that a failure to approve a constitutionally valid Assembly districting plan in a timely manner will truncate the electoral process in New York. The resulting truncation allegedly violates the 1st and 14th Amendment guarantees of non-incumbent challenger candidates for Assembly seats and the 1st, 14th and 15th Amendment guarantees and the Voting Rights Act of 1965 and the Federal Civil Rights Act protections conferred on minority candidates and their supporters. Defendants respond that no truncation of the election calendar has yet occurred and that shortened petition periods and election schedules are not constitutionally infirm.

Although the date for commencement of the petition process quickly approaches, the alleged injury nevertheless is one that "may not occur as anticipated, or indeed may not occur at all." Thomas v. Union Carbide Agricultural Products Co., 473 U.S. 568, 580-81 (1985) quoting 13A Wright, Miller, & Cooper, Federal Practice and Procedure § 3532 (1984)). Our hesitancy to decide constitutional questions unnecessarily, Regional Reorganization Act cases, 419 U.S. 102, 138 (1974), leads us to dismiss these counts as not ripe for adjudication. In any event, the relief plaintiffs seek in these counts are immediate district court intervention and the expeditious approval of a constitutional Assembly district apportionment plan. Plaintiffs have, in effect, already obtained the immediate judicial intervention through our assumption of jurisdiction in this matter. To the extent plaintiffs seek an approved plan before the commencement of the election calendar, we do not think this is required under the Constitution

or federal law. See, e.g., Upham, 456 U.S. at 40-41, 44; Burton v. Hobbie, 543 F. Supp. 235, 239 (M.D. Ala.) (three-judge court), aff'd, 459 U.S. 961 (1982). And, a shortening of the petition period for candidates for public office is not a constitutional violation. Moreover, this panel intends to proceed expeditiously.

IV

In sum, we decline at this juncture and under present circumstances to abstain from the exercise of federal jurisdiction. The allegations of plaintiffs' complaint that alleged community fragmentation in the first cause of action are dismissed. The second and third causes of action are also dismissed.

Those allegations in the first cause of action that assert the present state plan violates the constitution insofar as it dilutes the one person, one vote principle and insofar as it asserts, in the second amended complaint, partisan gerrymandering are not dismissed. Further, though we dismissed the racial gerrymandering claim, such was on account of a pleading deficiency. Leave is given plaintiffs to replead this cause of action, if they are so advised.

The panel hereby orders the following schedule for the progression of the case:

Defendants should prepare and file their answers to plaintiffs' second amended complaint or any motion directed against said complaint on or before June 4, 1992. Responsive papers are required to be filed and served on or before June 10, 1992.

Counsel are further advised that in the event the court determines that an evidentiary hearing is required, said hearing is scheduled to be held in the United States Courthouse, Utica, New York, at 10:00 a.m. on June, 24,

1992. Preparatory for this hearing, counsel shall file with the Court on or before June 17, 1992 the following: joint factual stipulations, stipulations as to trial exhibits, designation of witnesses to be called with a brief summary of their testimony, and memoranda of law and fact.

All parties are directed to forward an original of any filing to the Clerk's Office for the United States district Court for the Northern District of New York, 10 Broad Street, Utica, New York, 13501 (FAX No. (315) 793-8186), with copies to each member of this district court.

SO ORDERED.

APPENDIX F

Memorandum Decision and Order
May 22, 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., *et al.*

Plaintiffs,

-against- 92-CV-283

SAUL WEPRIN, *et al.*

Defendants.

CON. G. CHOLAKIS, D.J.

MEMORANDUM DECISION AND ORDER

In its Memorandum Decision and Order of May 20, 1992, this Court granted plaintiffs permission to file a response to a motion to dismiss the complaint for lack of standing, filed by defendants Cuomo, Lundine and Board of Elections (the "Executive defendants"). The Court has now received and reviewed plaintiffs' submissions on that issue, and hereby grants the motion to dismiss with respect to the municipal defendants, and otherwise denies the motion.

Generally, to establish standing, a plaintiff must allege "such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions." Baker v. Carr, 369 U.S. 186, 204 (1962). The Court agreed with earlier decisions upholding standing where individual voters "allege facts showing disadvantage to themselves as individuals." Id. at 206 (citing Colegrove v. Green, 328 U.S. 549 (1946)).

The individual plaintiffs in the present case allege to be registered voters in the State of New York, and therefore are apparently residents of districts involved in the state-wide redistricting at issue in the lawsuit. They further allege that they have been injured by the redistricting. It is not necessary for purposes of standing to determine at the present juncture whether these plaintiffs' allegations will ultimately entitle them to relief. Id. at 208. The Court finds that these plaintiffs have standing.

As to the "corporate" plaintiffs,[5] the Supreme Court has held that associations have standing in their representative capacity where such association "allege[s] that its members, or any one of them, are suffering immediate or threatened injury as a.result of the challenged action." Warth v. Seldin, 422 U.S. 490, 511 (1975).

In Hunt v. Washington Apple Advertising Comm'n, 432 U.S. 333 (1977), the Court found that a

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[5] Although the Executive defendants do not identify those "corporate" defendants to which the motion is addressed, the Court assumes that these "corporate" defendants are the Fund for Accurate and Informed Representation, Inc.("FAIR"), the Brooklyn Political Action Committee, Inc., and the Bay Ridge Community Council, Inc.

state agency had standing to challenge a different state's statute, notwithstanding that the agency, unlike a trade association, had no "members." The Court held that an association has standing to bring suit on behalf of its members when

> (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.

Id. at 343.

In the present case, the plaintiffs allege that at least three individual plaintiffs, not specifically identified in the responding papers, are "associated" with FAIR, and that plaintiff Alfaro is a member of the Brooklyn Political Action Committee. See Pl. Mem. at 6. There are no allegations that any individual plaintiff is a member of or is associated with plaintiff.Bay Ridge Community Council, Inc. Given that the Court has found that the individual plaintiffs in this action have standing, the first prong of the Hunt test is satisfied.

Plaintiffs also satisfy the second prong of the Hunt test, that is, whether "the interests [the organizational plaintiff] seeks to protect are germane to the organization's purpose." 432 U.S. at 343. The amended complaint states that plaintiff FAIR was organized "for the purpose of ensuring that the redistricting of New York's 150 Assembly seats offers the opportunity for fair and equitable representation for New York citizens from all walks of life." Amended Complaint par. 6. Similarly, the Brooklyn Political Action Committee "engage[s] in activities to ensure representation to minority and community members, and thus [is] serving this purpose by pursuing a Voting Rights

Act claim on behalf of minorities who are being injured by the New York Assembly plan." Pl. Mem. at 7-8.

Finally, the Bay Ridge Community Council, Inc. was organized "for the purposes of promoting the moral, social and economic welfare of the people of Bay Ridge, Dyker Heights and Fort Hamilton," Amended Complaint par. 24, and to "work for the political interests of its community and its citizens therein." Pl. Mem. at 8. This Court is of the opinion that these organizations have established the requisite nexus between the interests sought to be protected in this lawsuit. and the organizational purposes of these representative plaintiffs.

As to the third Hunt prong, none of the claims in the amended complaint requires individualized proof, and thus are properly resolved in a group context. See Hunt, 432 U.S. at 344. The Court therefore denies the motion to dismiss as to the "corporate" defendants.

The plaintiffs do not respond to defendants' motion to dismiss the "municipal" plaintiffs.[6] Plaintiffs have not argued that any of the municipal defendants has suffered an injury sufficient to enable it to sue in its own right. Nor have plaintiffs argued that these municipal plaintiffs have standing to sue in their representational capacity. The motion with respect to these plaintiffs is therefore granted.

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[6] Defendants do not identify which plaintiffs they consider to be the "municipal" plaintiffs. The Court will construe "municipal" to include plaintiffs Town of Catskill, Greene County and the Buffalo Common Council.

CON. G. CHOLAKIS, JUDGE
UNITED STATES DISTRICT COURT

DATED: Albany, New York
May 22, 1992

APPENDIX G

Memorandum Decision and Order
May 20,1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., *et al.*

Plaintiffs,

-against- 92-CV-283

SAUL WEPRIN, *et al.*

Defendants.

CON. G. CHOLAKIS, D.J.

MEMORANDUM DECISION AND ORDER

Plaintiffs[7] have brought this action challenging (1) the existing New York State Assembly districts, which districts were created following the 1980 decennial census, and (2) the redistricting resulting from legislation

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[7] The plaintiffs in this action include the Fund for Accurate and Informed Representation, Inc. ("FAIR"), a New York not-for-profit corporation, the Brooklyn Political Action Committee, The Bay Ridge Community Council, the Town of Catskill, Greene County, and the Buffalo Common Council, as well several individual plaintiffs who are registered voters, many of whom are members of minority groups.

passed by the New York State Legislature and signed by the Governor, based upon the 1990 census.[8]

The amended complaint[9] contains three causes of action, the first of which alleges (1) that the Assembly "is not presently redistricted or apportioned on the

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[8] The original complaint in this action challenged the redistricting proposal of the New York State Legislative Task Force on Demographic Research and Reapportionment ("Task Force"). A revised redistricting proposal was released by the Task Force on March 5, 1992, two days after the original complaint in this action was filed. See Chill Aff. par. 10(k).

A redistricting plan "substantially embod[ying]" the Task Force's March 5 recommendations was enacted by the New York State Legislature on March 9, 1992. Id. par. 11. The bill was amended on March 18, 1992 by both houses of the Legislature, and a second chapter amendment was enacted on March 31 by the Assembly and April 1 by the Senate. Id. par. 12 n.*. Governor Cuomo signed the bill on May 4, 1992.

Because Kings, New York and Bronx Counties are subject to the requirements of the Voting Rights Act, the legislation will not actually become law until it has been approved by the United States Attorney General for "preclearance," or is approved by the District Court of the District of Columbia. See 42 U.S.C. § 1973c; 28 C.F.R. § 50.10 (1991): United Jewish Organizations of Williamsburgh, Inc. v. Carey, 430 U.S. 144, 148 (1977).

If the Attorney General approves of the legislation, or fails to object to it within 60 days of its submission, the legislation then becomes law. At oral argument on motions to dismiss the original complaint, counsel for the Assembly defendants informed the Court that the legislation was submitted to the Attorney General on May 6, 1992.

[9] The amended complaint, filed two days prior to the return date for motions to dismiss the original complaint, differs from the original complaint only insofar as it adds some named plaintiffs and addresses itself not to the Task Force's proposal but to the legislation ultimately signed by the Governor.

principles of one person one vote, as required by the United States Constitution," Amended Complaint par. 40; (2) that the proposed redistricting (a) violates the Equal Protection Clause of the 14th Amendment because of impermissibly large population deviation among Assembly districts, id. par. 50, and "by fragmenting cohesive communities of interest and political subdivision between Assembly districts for, or in support of, no legitimate or rational state interest," id. par. 53, and (b) "violates the Federal Civil Rights Act and the Voting Rights Act of 1965, as amended, through the dilution of minority voting rights and interests." Id. par. 51.

Finally, this claim asserts that the newly enacted Assembly plan "is a gross partisan gerrymander which intentionally and invidiously discriminates against the Republican Party, its members and other citizens who may support its candidates, id. par. 54, as well as violating the First Amendment freedom of association by penalizing Republican voters due solely to party affiliation, as well as chilling public debate. Id. par. 55.

The second claim alleges that, absent court intervention, a new Assembly plan will not be timely adopted so that the campaign and electoral process may be conducted within the time frame provided in the New York Election Law.[10] Id. par. 57. It is alleged that the

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[10] June 9, 1992 is the first day for circulation of designating petitions. See N.Y. ELEC. LAW § 6-134(6). July 13, 1992 is the first day for filing of designating petitions, and July 16 is the deadline for such filings. Id. § 6-158(1). August 10, 1992 is the deadline for the State Board of Elections to certify names and residences of primary candidates to county boards of elections. Id. § 4-110. Primary elections are to be held on September 15, 1992. Id. § 8-100. September 28, 1992 is the deadline for the State Board to certify names and residences of general election candidates to county boards of elections. Id. § 4-112(1).

reduced amount of time will limit the ability of non-incumbent candidates to properly conduct campaigns, as well as dilute plaintiffs' votes, thereby resulting in irreparable harm to plaintiffs. Id. pars. 58 & 59.

The third claim asserts that the "truncation of the campaign period" discriminates against the rights of minority candidates and their minority community supporters, in violation of the 1st, 14th and 15th Amendments, as well as the Voting Rights Act of 1965 and the Federal Civil Rights Act. Id. par. 60.

A three-judge district court has been convened pursuant to 28 U.S.C. § 2284.[11] By their amended complaint, plaintiffs seek (1) a declaration by the Court that the existing redistricting of the Assembly districts is invalid; (2) to enjoin defendants from administering or supervising Assembly elections under the existing

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Finally, general elections will be held on November 3, 1992. Id. § 8-100(c).

[11] That statute provides, in relevant part, as follows:

> A district court of three judges shall be convened ... when an action is filed challenging the constitutionality of the ... apportionment of any statewide legislative body.

28 U.S.C. § 2284(a). In the instant case, such Court, comprised of Second Circuit Court of Appeals Judge Miner, District Judge Cholakis and Senior District Judge Munson, was designated by Chief Judge James L. Oakes of the Second Circuit Court of Appeals, by Order dated April 16, 1992. See id. § 2284(b)(1).

By Order dated May 14, 1992, Judge Oakes designated Second Circuit Court of Appeals Judge Cardamone to replace Judge Miner. That Order moots defendants' motions for Judge Miner's refusal.

districts; (3) redistricting of the Assembly by the Court, in conformance with the Constitutional and statutory mandates, either "pursuant to a plan which the plaintiffs will submit" or following solicitation and review of proposed plans from other "interested parties;" and (4) attorneys' fees.

Presently before this Court are two sets of motions by defendants.[12] The defendants are categorized as follows: (1) Defendants Weprin, Gantt, the Task Force and the Assembly (the "Assembly defendants"); (2) Defendants Skelos and the Senate (the "Senate defendants"); and (3) Defendants Cuomo, Lundine and Board of Elections (the "Executive defendants"). The Assembly defendants move (1) to dismiss the complaint as a matter of law pursuant to Fed.R.Civ.P. 12(b)(1)[13] or alternatively under 12(b)(6); and (2) for summary judgment as to the Voting Rights claims in the Amended Complaint. The Executive defendants move (1) to dismiss the complaint pursuant to Fed.R.Civ.P. 12(b)(6) or, in the alternative (2) for an order of abstention staying all proceedings in this Court until New York State, including its courts, has had a reasonable opportunity to enact an Assembly redistricting plan precleared by the Department of

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[12] The defendants are categorized as follows: (1) Defendants Weprin, Gantt, the Task Force and the Assembly (the "Assembly defendants"); (2) Defendants Skelos and the Senate (the "Senate defendants"); and (3) Defendants Cuomo, Lundine and Board of Elections (the "Executive defendants").

[13] A review of movants' papers reveals no argument that this Court lacks subject matter jurisdiction over the controversy. Instead, the Assembly defendants argue that, because (1) the legislation is presently before the Attorney General for preclearance, and/or (2) a state proceeding has been commenced, this Court should dismiss or abstain from deciding the action. The Court assumes that these are the issues meant to be addressed in the Assembly's "12(b)(1)" motion.

Justice and declared valid by the state courts.

DISCUSSION

Initially, this Court recognizes that "legislative reapportionment is primarily a matter for legislative consideration and determination." Reynolds v. Sims, 377 U.S. 533, 586 (1964). The Court therefore approaches this case mindful of its duty to defer to the state legislature where such deference is warranted.

A. Abstention

This Court declines to dismiss, abstain and/or stay these proceedings pending (1) the preclearance decision of the Department of Justice and (2) the resolution of the state proceeding.[14] Abstention is not proper in the present case because of the severe time constraints facing the Court.

As noted supra note 4, the New York election process is slated to commence, with the circulation of designating petitions, on June 9, 1992, less than three weeks from the date of this opinion. Although the Assembly defendants make much of telephoned assurances of expedited review from the Department of Justice, the law allows the Department up to 60 days to object to a redistricting plan. In the present case, the period of preclearance could last until July 6, 1992, which is well into the election process period.

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[14] That action, entitled Norman v. Cuomo, Index No. ____,is presently pending in New York State Supreme Court, Kings County. Brought by, among others, two of the defendants in this case, that action seeks a declaratory judgment that the enacted redistricting plan complies with statutory, as well as federal and state constitutional, requirements. According to the Senate defendants, the state proceeding was filed on May 5, 1992. See Sen. Defs. Mem. at 9.

Similarly, staying this action to await resolution of the state proceeding offers no guarantee of timeliness.[15] In fact, although the issuance of an injunction by this three-judge Court would be immediately appealable to the United States Supreme Court, see 28 U.S.C. § 1253, an appeal of a decision of the New York State Supreme Court would have to go through two more state tribunals before reaching the United States Supreme Court.

The governing case law is not otherwise. Defendants' rely most heavily on Scott v. Germano, 381 U.S. 407 (1965), in which the Supreme Court held that, in view of pending state court proceedings, the district court should have abstained rather than enter a judgment which included, inter alia, apportioning the Illinois State Senate.

Two very relevant aspects of that case, however, were omitted from the Assembly defendants' arguments. First, the district court's order appealed from was rendered in February 1965, and the elections involved were not slated to occur until 1966. Id. at 408. There was clearly no imminent election deadline involved in that case.

Second, the Supreme Court recognized that, even with so much time remaining, it was possible that the state machinery may not succeed in getting a proper plan in place in a timely manner. The Court therefore held that the district court would retain jurisdiction,

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[15] The Senate defendants oppose the motion for abstention, arguing that, "[i]f federal defendants could, on abstention grounds, circumvent federal jurisdiction merely by converting their federal defenses into state declaratory judgments, then federal courts would rarely be able to decide the cases properly brought before them." Sen. Defs. Mem. at 10. Although this argument has a certain appeal, it is not necessary, given the pressing election law deadlines, for the Court to adopt what is essentially a policy argument to avoid abstention.

> and in the event a valid reapportionment plan for the State Senate is not timely adopted it may enter such orders as it deems appropriate, including an order for a valid reapportionment plan for the State Senate ....

Id. at 409.

Further, the Supreme Court has recognized that, given severe time constraints threatening orderly and timely election processes, a district court can refuse to abstain, despite pending state court proceedings. In Harman v. Forssenius, 380 U.S. 528 (1965), the district court was faced with a motion to stay the proceedings[16] a mere two months prior to the deadline for meeting the statutory requirements and just eight months before the general elections.

The Supreme Court held that the district court did not abuse its discretion in refusing to abstain, "[g]iven the importance and immediacy of the problem, and the delay inherent in referring questions of state law to state tribunals." Id. at 537; see also, Puerto Rican Legal Defense and Education Fund, Inc. v. Gantt, CV-92-1521(SJ), slip op. at 6-9 (E.D.N.Y. May 5, 1992) (three judge court), stayed on other grounds, __ S.Ct. _ , No. A-829, 1992 WL 98791 (May 13, 1992).

Further, this Court finds unpersuasive defendants' reliance upon Members of California Democratic Congressional Delegation v. Eu, No. C-91-3383 FMS (N.D.Cal. March 3, 1992) (three-judge court). Although

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[16] Harman involved "two class actions attacking a statutory scheme allegedly impairing the right to vote in violation of Art. I, § 2, and the Fourteenth, Seventeenth and Twenty-fourth Amendments." Id. at 537.

the district court there did abstain, the state litigation had essentially been completed, with the California Supreme Court having approved a redistricting plan proposed by court-appointed special masters. Further, the court recognized that the Ninth Circuit

> has specifically held that the inquiry is whether the state proceeding was pending before the federal suit was filed, that the conclusion of the state case does not avoid abstention, and that dismissal is still required. [citation omitted]

Slip op. at 14 (emphasis in original).[17]

Unlike the district court in Germano, supra, this Court does not have the luxury of more than a year during which it may witness the promenade of the state litigation through the its courts. The state court system in this case is nowhere near a final determination and, as stated repeatedly in this Memorandum Decision and Order, time is now of the essence. This Court has three weeks to ensure that a valid districting plan is in place so as to enable New York citizens to properly exercise their voting rights. The motions seeking abstention by this Court are therefore denied.[18]

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[17] In the present case, although the federal litigation was commenced prior to the state proceedings, this fact is apparently not dispositive. See Germano v. Kerner, 241 F. Supp. 715 (N.D.Ill.), rev'd sub nom., 380 U.S. 407, 408-409 (1965) (Supreme Court held that district court should have abstained notwithstanding that federal litigation had commenced and a decision on the merits had been entered by the district court, prior to the initiation of state proceedings).

[18] In light of the foregoing, the motion by the Assembly defendants to dismiss Counts II and III of the Amended complaint is also denied.

B. One Person, One Vote

Prior to reaching each motion to dismiss under 12(b)(6), it is helpful to review the standard governing such motions. On a motion to dismiss, the district court must limit itself to a consideration of the facts alleged on the face of the complaint and to any documents attached as exhibits or incorporated by reference. Cosmas v. Hassett, 886 F.2d 8, 13 (2d Cir. 1989). The court must construe the complaint's allegations in the light most favorable to the plaintiff and accept the well-pleaded allegations as true. Scheuer v. Rhodes, 416 U.S. 232, 236 (1974); Wanamaker v. Columbian RoDe Co., 740 F.Supp. 127, 133 (N.D.N.Y. 1990). The test is whether, in the light most favorable to the plaintiff, and with every doubt resolved in his favor, the complaint states any valid claim for relief. Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 101-102, 2 L.Ed.2d 80 (1957). A claim will be dismissed under Rule 12(b)(6) only if it appears beyond doubt that the plaintiff can prove no set of facts supporting his legal claim which will entitle him to relief. Dahlberg v. Becker, 748 F.2d 85, 88 (2d Cir. 1984), cert. denied, 470 U.S. 1084 (1985).

Defendants move to dismiss plaintiffs' claim that the proposed redistricting plan violates the Equal Protection Clause of the 14th Amendment because of impermissibly large population deviation among Assembly districts. Defendants argue that dismissal is appropriate because the maximum population deviation is well within the guidelines set forth in Supreme Court opinions.

The 14th Amendment "requires that legislative districts be of nearly equal population, so that each person's vote may be given equal weight in the election of representatives." Connor v. Finch, 431 U.S. 407, 416 (1977) (citing Reynolds v. Sims, supra, 377 U.S. at 579). As the Sims court stated,

> the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, anindividual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State.

377 U.S. at 568.

This does not mean that absolute numerical equality among a state's districts is required. Rather, the test is that the districts in state reapportionments be "as nearly of equal population as is practicable," id. at 577, and that

> so long as the divergences from a strict population standard are based on legitimate considerations incident to the effectuation of a rational state policy, some deviations from the equal-population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral state legislature.

Id. at 579.

The Supreme Court has employed an "under-10%" rule, finding prima facie constitutional validity in legislatively enacted apportionments in which the maximum percentage deviation from the population mean is under 10%. See, e.g., Gaffney v. Cummings, 412 U.S. 735 (1973) (7.83%): White v. Regester, 412 U.S. 755 (1973) (9.9%). The Court has upheld the

constitutionality of a state legislature's redistricting plan even where the maximum deviation was 16.4%. See Mahan v. Howell, 410 U.S. 315 (1973).

A review of the present redistricting plan reveals that the maximum population deviation is 9.43%. See Chill Aff. Ex. E., Submission Under Section 5 of the Voting Rights Act for Preclearance of 1992 Redistricting Plan for New York State Senate and Assembly, § VI, Part 18, Appendix G. Districts 41, 43, 54 and 55 are 4.10% below the population mean of 123,936 per district, whereas districts 59, 60 and 61 are 5.33% above such mean. Id.

While the 9.43% figure is apparently prima facie valid under the governing "under-10%" rule enunciated in the cases cited supra, it cannot be said that it appears beyond doubt that the plaintiff can prove no set of facts supporting his legal claim which will entitle him to relief. The complaint alleges, albeit in a conclusory way, that the redistricting plan violates the one person, one vote principle embodied in the Fourteenth Amendment and Supreme Court cases.

As plaintiffs point out, they have the right to, and intend to, rebut the prima facie showing by the defendants. Addressed solely to the sufficiency of the complaint, as a 12(b)(6) motion must be, the motion must fail.

C. Partisan Gerrymandering

Defendants move to dismiss plaintiffs' political gerrymandering claims for failure to meet the allegedly more strict pleading requirements applicable to such claims.

In Davis v. Bandemer, 478 U.S. 109, 127 (1986), a four-member plurality of the Supreme Court held that

political gerrymandering plaintiffs must prove "both intentional discrimination against an identifiable political group and an actual discriminatory effect on that group." The Court also held that

> it is ... appropriate to require allegations and proof that the challenged legislative plan has had or will have effects that are sufficiently serious to require intervention by the federal courts in state reapportionment decisions.

Id. at 134 (emphasis added). Further, the Court stated that a prima facie case of illegal discrimination in reapportionment requires a showing of more than de minimis effect, and that "[t]he requirement of a threshold showing is derived from the peculiar characteristics of these political gerrymandering claims." Id. at 134 n.14.

Defendants allege that, under Bandemer, a political gerrymandering plaintiff must make more specific allegations in the complaint than might otherwise be required of other types of claims. Although it is not entirely clear from the Supreme Court's opinion, this Court is inclined to agree with defendants. The Supreme Court emphasized the import of the plaintiff's "threshold showing" of discriminatory effect, which showing must be more than a showing of de minis discriminatory effect.

The following paragraphs comprise the entirety of the Amended Complaint's allegations concerning partisan gerrymandering:

> 54. The newly enacted Assembly plan is a gross partisan gerrymander which intentionally and invidiously discriminates

> against the Republican Party, its members and other citizens who may support its candidates, in violation of U.S. constitutional [sic] guarantees of the 14th Amendment.
>
> 55. The newly enacted Assembly plan violates the U.S. constitution's First Amendment freedom of association guarantees by penalizing Republican voters and Assembly members solel· because of their party affiliation, political beliefs and association and by chilling public debate on issues of public importance.

Amended Complaint pars. 54 & 55.

One could not imagine more general language and, under this Court's reading of Bandemer, such pleadings are insufficiently specific to withstand defendants' motion. The motions to dismiss the partisan gerrymandering claim are therefore granted.[19]

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[19] As plaintiffs point out, defendants' contention that more than one election must pass before a political gerrymandering claim can be made out is erroneous. See Bandemer, 478 U.S. at 139 n.17 ("[W]e believe that JUSTICE POWELL incorrectly asserts that more than one election must pass before a successful racial or political gerrymandering claim may be brought. [citation omitted]. Projected election results based on district boundaries and past voting patterns may certainly support this type of claim, even where no election has yet been held under the challenged districting.").

Although plaintiffs argue in their Memorandum in opposition that they will make such a showing, see Pl. Mem. at 12, no such allegation appears in the amended complaint.

D. Voting Rights Act Claims

Defendants move for summary judgment dismissing plaintiffs' claims under the Voting Rights Act. This motion need not detain the Court for long. In support of the motion, defendants have submitted the affidavit of Roman B. Hedges, Ph.D., in which it is stated that "[a]nalysis indicates that the districts constructed in the State's plan for Assembly districts fairly reflect minority voting strength in the State of New York." Hedges Aff. par. 6 (emphasis added).

Such less-than-unequivocal assertions do not provide sufficient evidence to demonstrate that there exists no genuine issue of material fact. Moreover, even were the Court to consider such submission sufficient to carry summary judgment movants' initial burden, plaintiffs have countered with a comparably conclusory affidavit of their own expert, in which it is stated that "[f]rom my analysis, the plan, as enacted, would effectively dilute minority voting rights." Morgan Aff. par. 3.

Defendants' Memorandum also contains references to additional "proof":

> The submission to the United States Department of Justice, annexed as an exhibit to the accompanying Chill Afft., explains with great particularity precisely the reasons why the Assembly Voting Rights districts meet all constitutional tests, including a detailed district-by-district statistical analysis.
>
> Because of the detailed factual underpinnings submitted in support of the constitutionality of the Voting Rights districts (and in opposition to the

> plaintiffs' contrary conclusory claim), Assembly defendants request summary judgment dismissing all Voting Rights Act and related constitutional claims.

Assembly Defs. Mem. at 55-56. A mere referral to the exhibit, the submission to the Department of Justice, without any kind specific citation, is not sufficient to carry movants' initial burden. The exhibit, contained in three large boxes, is comprised of 49 volumes and tens of thousands of pages. Without more detailed references in movants' papers in support of the motion, this Court cannot enter summary judgment in their favor. The motion is denied.

E. Fragmentation Claim

Defendants move to dismiss plaintiffs' claim that the newly enacted plan

> violates the U.S. Constitution's 14th Amendment equal protection guarantees by fragmenting cohesive communities of interest and political subdivisions between Assembly districts for, or in support of, no legitimate or rational state interest. No legitimate public policy or governmental purpose is supported or furthered by this Assembly plan's needless division of these communities. This wanton fragmentation of cultural, ethnic, geographic and political communities results in a diminution or dilution of their voting rights, political power and influence.

Amended Complaint par. 53. The Court has searched in vain for a response by plaintiffs to this particular motion.

To the extent this "claim" is coextensive with plaintiffs' claim of dilution of minority vote in violation of the Voting Rights Act, the motion is denied. To the extent, however, that this claim seeks a ruling by this Court that cultural "communities" or political subdivisions such as towns or unincorporated communities are entitled to protection from being divided or made part of other districts, the motion is granted. See, e.g., Mirrione v. Anderson, 717 F.2d 743 (2d Cir. 1983). cert. denied, 465 U.S. 1036 (1984) ("it is well settled that there is no right to community recognition in the reapportionment process ... and, in the absence of invidious discrimination, voters of a city, town, or geographic or ethnic community are not entitled to be grouped together in a single election unit.") (citing United Jewish Organizations of Williamsburgh, Inc. v. Carey, 430 U.S. 144 (1977)).

F. Standing

The Executive defendants have moved to dismiss the Amended Complaint on the ground that plaintiffs lack standing. In an affidavit submitted by counsel for plaintiffs, it is asserted that, because counsel for the Executive defendants stated in an April 29, 1992 letter that his clients took no position on the then-pending motions to dismiss the original complaint, the Court should not consider any of the arguments now made by the Executive defendants. See Ryan Aff. par. 7.

The Court will not construe Mr. Ryan's assertions to mean that the Executive defendants were not entitled to make motions to dismiss the Amended Complaint. Instead, the Court considers such assertions to result from a misunderstanding of the events surrounding this Court's reserving decision on the earlier motions to dismiss the original complaint and its entertaining new motions with respect to the Amended Complaint.

The Court thereby grants permission to plaintiffs to file a response to the Executive defendants' motion, such response to address the standing issue only. Plaintiffs' response must be filed with the Court, and served upon defendants, no later than close of business Thursday, May 21, 1992.

CONCLUSION

In summary, defendants' motions to dismiss the political gerrymandering claim and the "community of interest" claim are granted. The motions are otherwise denied, except the motion regarding standing, which will be ruled upon following the submission of plaintiffs' response. This matter must proceed as expeditiously as possible to trial before the full three-judge court.

HON. G. CHOLAKIS, JUDGE
UNITED STATES DISTRICT COURT

DATED: Albany, New York
May 20, 1992

APPENDIX H

Notice of Appeal
August 6, 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., *et al.*

Plaintiffs,

-against- 92-CV-283

SAUL WEPRIN, *et al.*

Defendants.

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that the plaintiffs above-named, hereby appeal to the Supreme Court of the United States from the final judgment of the three-judge court of July 9, 1992, ordering plaintiffs' remedial plan which was submitted to the three-judge court by the Special Master, be withdrawn and dismissing plaintiffs' complaint with prejudice, and from the Memorandum and Order of Three-Judge Court dated July 8, 1992, finding no statutory or constitutional violation in the 1992 New York State Assembly redistricting plan and dismissing plaintiffs' claims with prejudice, and from the memorandum and Order of Three Judge Court dated

July 2, 1992, finding that the challenges raised in plaintiffs' complaint to New York's Assembly redistricting plan are without merit.

This appeal is taken pursuant to 28 U.S.C. §1253, 1331, 1343, 2284, 2201, 2202 2284; 42 U.S.C. §§ 1983, 1988, 1991 1993.

FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC.

By: _____
E. Mark Braden, Esq.
Frederick W. Chockley, Esq.
Stephen B. Nix, Esq.

BAKER & HOSTETLER
1050 Connecticut Avenue, N.W.
Suite 1100
Washington, DC 20036
(202) 861-1500
Bar Roll No. 103761

Dated: August 6, 1992
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE IS OMITTED

APPENDIX I

Statute as Enacted
Article 8, Title I
Assembly Districts

§ 121. Assembly districts. The assembly districts shall consist as follows:

1. First district. In the county of Suffolk, the towns of Southold, Riverhead, Shelter Island, and that part of the town of Brookhaven bounded by a line described as follows: Beginning at a point where the Brookhaven town line in the waterways of the Long Island Sound Intersecting Harbor Beach Road, thence extend southerly to Pipe Stave Hollow Road, thence southerly along Pipe Stave Hollow Road to Mount Sinai-Coram Road, thence southeasterly along said road to Miller Place Road, thence northerly along said road to Miller Place Yaphank Road, thence southerly along said road to Whiskey Road, thence westerly along said road to Miller Place-Middle Island Road, thence southerly along said road to Swezey Lane, thence southerly along said lane to Southfield Lane, thence westerly along said lane to Westfield Road, thence northerly along said road to West Denis Lane, thence westerly along said lane to Mount Sinai-Coram Road, thence northerly along said road to Pine Road, thence easterly along said road to Port Jefferson-Patchogue Road, thence southerly along said road to Hawkins Path, thence easterly along said path to Hartsdale Lane, thence easterly along said lane to Harford Drive, thence southwesterly along said drive to Old Town Road, thence northwesterly along said road to Hawkins Road, thence westerly along said road to Conklin Avenue, thence southerly along said avenue to South Street, thence westerly along said street to Bicycle Path, thence southerly along said path to Catherine

Street, thence westerly along said street to Dare Road, thence southerly along said road to Pine Street, thence westerly along said street to Magnolia Drive, thence southerly along said drive to Nelson Road, thence westerly along said road to Boyle Road, thence northerly along said road to Corvair Lane, thence southwesterly along said lane to Imperial Drive, thence southerly along said drive to King Avenue, thence westerly along said avenue to Ruland Road, thence northerly along said road to Van Buren Avenue, thence westerly along said avenue to Taylor Avenue, thence southerly along said avenue to Jackson Avenue, thence westerly along said avenue to Taylor Avenue, thence southerly along said avenue to Washington Avenue, thence westerly along said avenue to Polk Avenue, thence northerly along said avenue to Hawkins Road, thence northwesterly along said road to North Coleman Road, thence southerly along said road to Bonnybill Drive, thence westerly along said drive to Esther Drive, thence southerly along said drive to Laura Drive, thence easterly along said drive to North Coleman Road, thence southerly along said road to Middle Country Road, thence westerly along said road to Coleman Road, thence southerly along said road to Simon Avenue, thence easterly along said avenue to Paula Boulevard, thence northerly along said boulevard to Middle Country Road, thence easterly along said road to Evergreen Boulevard, thence southerly along said boulevard to Woodmere Place, thence easterly along said place to Selden Court, thence northerly along said court to Middle Country Road, thence easterly along said road to Blue Point Avenue, thence southerly along said avenue to Rhonda Lane, thence northeasterly along said lane to Rose Place, thence northerly along said place to Janice Lane, thence easterly along said lane to Woodlawn Avenue, thence easterly along said avenue to Bicycle Path, thence southerly along said path to Mooney Pond Road, thence northeasterly along said road to New Lane, thence northerly along said lane to Middle Country Road,

thence easterly along said road to Old Middle Country Road, thence northeasterly along said road to Bartlett Road, thence southerly along said road to East Bartlett Road, along said road to Bartlett Road, thence easterly along said road to Yaphank-Middle Island Road, thence southeasterly along said road to Longwood Road, thence easterly along said road to William Floyd Parkway, thence southerly along said parkway to the Long Island Rail Road, thence westerly along said railroad to Revilo Avenue, thence southeasterly along said avenue to Crestwood Drive, along said drive to Crestwood Drive East, thence easterly along said drive to winters Drive extended, thence southerly along said drive extended to Marcella Drive, thence easterly along said drive to Titmus Drive, thence southerly along said drive to Victory Avenue, thence easterly along said avenue to Barnes Road, thence southerly along said road to the Sunrise Highway, along said highway to the Brookhaven-Southampton town line, along said line to the point of beginning.

2. Second district. In the county of Suffolk, the towns of East Hampton and Southampton, the Shinnecock Indian Reservation, the Poospatuck Indian Reservation, and that pact of the town of Brookhaven bounded by a line described as follows: Beginning at a point where the center of the Caimans River intersects the Long Island Rail Road, thence northerly along the center of said river to the Long Island Rail Road, thence easterly along said railroad to Bellport Avenue, northerly along said avenue to Middle Line Avenue, easterly along said avenue to Lincoln Road, easterly along said road to Coram-Yaphank Road, along said road to the center of the Carmans River, northerly on a line exceeded through the middle of the Carmans River to Lakeview Boulevard, southeast along said boulevard to Ashton Road, along said road to Bartlett Road, along said road to Yaphank-Middle Island Road, along said road to Longwood Road, along said road to William Floyd

Parkway, along said parkway to the Long Island Rail Road, along said railroad to Revilo Avenue, along said avenue to Crestwood Drive, along said drive to Crestwood Drive East, along said drive to Winters Drive extended, to Marcella Drive, along said drive to Titmus Drive, along said drive to Victory Avenue, along said avenue to Baines Road, along said road to the Sunrise Highway, along said highway to the Brookhaven-Southampton town line, south along the town line to the Seatick Creek, along said creek to Moriches Bay, thence along the shoreline to Carmans River, north along the river to the point of beginning.

3. Third district. In the county of Suffolk, that part of the town of Islip bounded by a line described as follows: Beginning at a point where veterans Memorial Highway intersects Old Nichols Road, thence easterly along Veterans Memorial Highway to Roosevelt Avenue, along Roosevelt Avenue to Sunrise Road, along said road to Veterans Memorial Highway, along said highway to Sunrise Highway, along said highway to the Islip Town line, thence northerly along said line to the intersection with the tracks of the main line of the Long Island Rail Road, westerly along said railroad to Pond Road, along said road to the Long Island Expressway, along said expressway to Nichols Road, along said road to the point of beginning; and that part of the town of Brookhaven bounded by a line described as follows: Beginning at a point where the center of Carmans River intersects the Long Island Rail Road, west along said railroad to Station Road, along said road to Middle Line Avenue, along said avenue to Lincoln Road, along said road to Coram-Yaphank Road, along said road to the center of the Carmans River, thence north on a line extended through the middle of the Carmans River to Lakeview Boulevard, southwest on Lakeview Boulevard to Ashton Road, along said road to East Bartlett Road, along said road to Middle Country Road, along said road to New Lane, along said lane to Mooney Pond

Road, along said road to Bicycle Path, along said path to Union Boulevard, along said boulevard to Granny Road, along said road to Fairmont Avenue, along said avenue to Horse Block Road, along said road to North Ocean Avenue, along said avenue to its intersection with the tracks of the Long Island Rail Road (main line), along said town line to the waters of the Great South Bay where said town line intersects with West Walk extended, along West Walk extended to the County line, easterly along said county line to a line drawn south from the center of the mouth of the Seatuck Creek, along said line to the center of the Great South Bay, then westerly along a line drawn through the center of the Great South Bay to a line drawn south from the center of the mouth of the Carmans River, along said line to the Carmans River, along center of said river to the Long Island Rail Road, the point of beginning.

4. Fourth district. In the county of Suffolk, that part of the town of Brookhaven bounded by a line described as follows: Beginning at a point where the Smithtown town line intersects Burr Lane, thence easterly along said lane to New Moriches Road, along said road to the Nesconset-Port Jefferson Highway, along said highway to Nichols Road, along said road to Lake Grove Village limit, along said village limit to Wood Road, along said road to Pond Path Drive, along said drive to Lake Grove Village limit, along said village limit to Jefferson Street, along said street to McGaw Avenue, along said avenue to Middle Country Road, along said road to Stony Brook Road, along said road to Hawkins Avenue, along said avenue to Portion Road, along said road to Ackerly Lane, along said lane to Patchogue-Holbrook Road, along said road to Expressway Drive North, along said drive to Holbrook Road, along said road to Portion Road, along said road to Cenacle Road, along said road to Smith Road, along said road to Brunswick Road extended, along said road to Sycamore Avenue, along said avenue to Smith Lane, along said lane to Rego

Avenue, along said avenue to Rustic Road, along said road to Middle Country Road, along said road to Mark Tree Road, along said road to Tree Road, along said road to Hawkins Road, along said road to Polk Avenue, along said avenue to Washington Avenue, along said avenue to Taylor Avenue, along said avenue to Jackson Avenue, along said avenue to Taylor Avenue, along said avenue to Van Buren Avenue, along said avenue to Ruland Road, along said road to King Avenue, along said avenue to Imperial Drive, along said drive to Corvair Lane, along said lane to Boyle Road, along said road to Nelson Road, along said road to Magnolia Avenue, along said avenue to Pine Street, along said street to Dare Road, along said road to Catherine Street, along said street to Bicycle Path, along said path to South Street, along said street to Conklin Avenue, along said avenue to Hawkins Road, along said road to Old Town Road, along said road to Harford Drive, along said drive to Hartsdale Lane, along said.lane to Hawkins Path, along said path to Port Jefferson-Patchogue Road, along said road to Pine Road, along said road to Mount Sinal-Coram Road, along said road to West Denis Lane, along said lane to Westfield Road, along said road to Southfield Lane, along said lane to Swezey Lane, along said lane to Coram-Swezey Town Road, along said road to Miller Place-Middle Island Road, along said road to Whiskey Road, along said road to Miller Place-Yaphank Road, along said road to Miller Place Road, along said road to Mount Sinai-Coram Road, along said road to Pipe Stave Hollow Road, along said road to Harbor Beach Road, thence extend northerly from the end of said road to the Brookhaven town line in the waterways of the Long Island Sound, thence westerly along said line to the border separating the towns of Brookhaven and Smithtown, thence proceeding southerly along said border to the point of beginning.

5. Fifth district. In the county of Suffolk, that part

of the town of Islip bounded by a line described as follows: Beginning at a point where the town line meets Sunrise Highway, westerly along said highway to Veterans Memorial Highway, along said highway to Sunrise Road, along said road to Roosevelt Avenue, along said avenue to Veterans Memorial Highway, along said highway to Nichols Road, thence northerly along said road to Long Island Expressway, westerly along said expressway to Sagebrush Lane, southerly along said lane to Sunflower Drive, along said drive to Snowberry Lane, along said lane to Silverleaf Lane, along said lane to Sycamore Avenue, along said avenue to Veterans Memorial Highway, northerly along said highway to Long Island Expressway, westerly along said highway to Long Island Motor Parkway, along said parkway to Long Island Expressway south service road, along said road to Gloria Boulevard, along said boulevard to Bridge Road, along said road to Lincoln Boulevard, along said boulevard to Long Island Motor Parkway which becomes Highland Road, along said road to Joshua's Path, along said path to Lexington Avenue, along said avenue to Fulton Street along said street to Suffolk Avenue, along said avenue to Calebs Path, along said path to Long Island Rail Road, along said railroad to Madison Avenue, along said avenue to Floyd Street, along said street to Wicks Road, along said road to Campus Road, along said road to Sagtikos State Parkway, along said parkway to Pine Acre Drive, along said drive to Manatuck Boulevard, along said boulevard to Southern State Parkway, along said parkway to the Southern State Parkway exit ramp, along said ramp to Spur Drive south, along said drive to Brentwood Avenue, along said avenue to New Jersey Avenue, along said avenue to Commack Road, along said road to Southern State Parkway, along said parkway to Carleton Avenue, along said avenue to Spur Drive north, along said drive to Valley Stream Street, along said street to North Green Lawn Avenue, along said avenue to Seacliff Street extended, along said street extended to the center of the

Conhetquot River, along the center of said river to the Islip/Brookhaven town line, thence southwesterly along said border to the center of the Great South Bay, along the center of said bay to the Robert Moses Causeway, thence southerly along said causeway to a line extended through the waters of the Atlantic Ocean to the county line, easterly along said line to the Brookhaven/Islip town border, and northerly along said border to the Sunrise Highway, the point of beginning; and that part of the town of Brookhaven bounded by a line described as follows: Beginning at a point where West Walk extended intersects the county line, thence westerly along the county line to the town line, easterly along the town line to West Walk extended, along West Walk extended to West Walk, along West Walk to West Walk extended, along West Walk extended to a point where West Walk extended intersects the county line, the point of beginning.

6. Sixth district. In the county of Suffolk, the town of Smithtown, and that part of the town of Brookhaven bounded by a line described as follows: Beginning at a point where the Smithtown town line intersects Burr Lane, thence easterly along said lane to New Moriches Road, along said road to the Nesconset-Port Jefferson Highway, along said highway to Nichols Road, along said road to Lake Grove Village limit, along said village limit to Wood Road, along said road to Pond Path Drive, along said drive to Lake Grove Village limit, along said village limit to Jefferson Street, along said street to McGaw Avenue, along said avenue to Middle Country Road, along said road to Stony Brook Road which becomes Hawkins Avenue, along said Avenue to Lafayette Avenue, along said avenue to Penn Street, along said street to Lindell Avenue, along said avenue to the Brookhaven-Smithtown town line, proceed northerly along Brookhaven-Smithtown town line to point of beginning.

7. Seventh district. In the county of Suffolk, that part of the town of Brookhaven bounded by a line described as follows: Beginning at a point where Pond Road intersects the Long Island Rail Road, thence easterly along the Long Island Rail Road to North Ocean Avenue, thence northerly along said avenue to Horse Block Road, thence easterly along said road to Fairmont Avenue, thence northerly along said avenue to Granny Road, thence westerly along said road to Union Boulevard, along said boulevard to Bicycle Path, alone said path to Woodlawn Avenue, thence westerly along said avenue to Janice Lane, westerly along said lane to Rose Place, southerly along said place to Rhoda Lane, westerly along said lane to Blue Point Avenue, northerly along said avenue to Middle Country Road, westerly along said road to Selden Court, southerly along said court to Woodmere Place, westerly along said place to Evergreen Boulevard, westerly along said boulevard to Middle Country Road, westerly along said road to Paula Boulevard, southerly along said boulevard to Simon Avenue, westerly along said avenue to South Coleman Road, northerly along said road to Middle Country Road, easterly along said road to North Coleman Road, northerly along said road to Laura Drive, westerly along said drive to Esther Court, northerly along said court to Bonnybill Drive, easterly along said drive to North Coleman Road, northerly along said road to Hawkins Road, westerly along said road to Tree Road, south along said road to Mark Tree Road, along said road to Middle Country Road, westerly along said road to Rustic Road, southerly along said road to Rego Avenue, westerly along said avenue to Smith Lane, northerly along said lane to Sycamore Avenue, westerly along said avenue to Brunswick Road, southerly along said road to Smith Road, easterly along said road to Cenacle Road, southerly along said road to Portion Road, easterly along said road to Holbrook Road, southerly along said road to Expressway Drive North, westerly along said drive to Patchogue/Holbrook Road, westerly along said road to

Ackerley Lane, northerly along said lane to Portion Road, westerly along said toad to Hawkins Avenue, along said avenue to Lafayette Avenue, along said avenue to Penn Street, northerly along said street to Lindel Avenue, along said avenue to the Smithtown/Islip town line, southerly along said town line to Lake Ronkonkoma, southeast along said lake to Brookhaven/Islip town line, southerly along said line to Long Island Rail Road, along said railroad to its intersection with Pond Road, the point of beginning; and that part of the Town of Babylon bounded by a line described as follows: Beginning at a point where the Huntington/Babylon town line meets Oseola Avenue, southerly along said avenue to Prospect Place, along said place to Long Island Avenue, thence westerly along said avenue to Straight Path/Carils Path, thence southerly along said path to the Long Island Rail Road, thence easterly along said railroad to the Babylon/Islip town line, northerly along said town line to the Huntington/Babylon town line, along said town line to Oseola Avenue, the point of beginning; that part of the town of Islip bounded by a line described as follows: Beginning at the point where the Long Island Rail Road intersects the Islip/Babylon town border, south along said border to Grand Boulevard, along said boulevard to Howells Road, along said road to Udall Road, along said road to Bay Shore Road, along said road to the Southern State Parkway, along said parkway to the Babylon/Islip town line, along said line to Sunrise Highway, along said highway to Higbie Lane, along said lane to East Main Street/Montauk Highway, along said highway to Keith Lane, along said lane to Edmore Lane, along said lane to Alwick Avenue, along said avenue to Burling Lane, along said lane to Alwick Avenue, along said avenue to Everdell Avenue, along said avenue to Keith Lane, along said lane to Union Boulevard, along said boulevard to Robert Moses Causeway, along said causeway to Sunrise Highway, along said highway to Pine Drive, along said drive to Sunrise Highway North

Service Road, along said road to Ashatoken Boulevard, along said boulevard to Montauk Drive, along said drive to North Windsor avenue, along said avenue to Oswego Drive, along said drive to Pine Acres Boulevard, along said boulevard to Spur Drive South, along said drive to Manatuck Boulevard, along said boulevard to Pine Acre Drive, along said drive to Sagtikos Parkway, along said parkway to Campus Road, along said road to Wicks Road, along said road to Floyd Street, along said street to Madison Avenue, along said avenue to Long Island Rail Road tracks, along said tracks to Calebs Path, along said path to Suffolk Avenue, along said avenue to Fulton Street, along said street to Lexington Avenue, along said avenue to Joshuas Path, along said path to Long Island Motor Parkway, along said Parkway to Lincoln Boulevard, along said boulevard to Bridge Road, along said road to Gloria Boulevard, along said boulevard to Long Island Expressway South Service Road, along said road to Long Island Motor Parkway, along said parkway to Veterans Memorial Highway, along said highway to Sycamore Avenue, along said avenue to Silver Leaf Lane, along said lane to Snowberry Lane, along said lane to Sunflower Drive, along said drive to Sagebrush Lane, along said lane to the Long Island Expressway, along said expressway to the Brookhaven/Islip town line, thence northerly along said line to the Smithtown/Islip town line, thence westerly along said town line to the Huntington/Islip town line, thence southerly along said line to the Babylon/Islip town line, along said line to the Long Island Rail Road; the point of beginning.

8. Eighth district. In the county of Suffolk that part of the town of Islip bounded by a line described as follows: Beginning at a point where the Connetquot River intersects the town line, northwesterly along the center of said river to Seacliff Street extended. along said street extended to North Green Lawn Avenue, along said avenue to Valley Stream Street, along said street to Spur Drive North, along said drive to Carleton

Avenue, along said avenue to Southern State Parkway, along said parkway to Commack Road, along said road to New Jersey Avenue, along said avenue to Brentwood Avenue, along said avenue to Spur Drive South, northerly along said drive, then easterly along said drive to the ramp to Southern State Parkway, westerly along said parkway to Manatuck Boulevard, along said boulevard to Spur Drive, along said drive to Pine Acres Boulevard, along said boulevard to Oswego Drive, along said drive to North Windsor Avenue, along said avenue to Montauk Drive, along said drive to Asharoken Boulevard, along said boulevard to the Sunrise Highway North Service Road, along said road to Pine Drive, along said drive to Sunrise Highway, along said highway to the Robert Moses Causeway, along said causeway to Union Boulevard, along said boulevard to Keith Lane, along said lane to Everdell Avenue, along said avenue to Aiwick Avenue, along said avenue to Edmore Street, along said street to Keith Lane, along said lane to East Main Street/Montauk Highway, along said highway to Brookfield Place which becomes Higbie Lane, along said lane to the Sunrise Highway, along said highway to the Babylon-Islip border, south along said border to the waters of the Great South Bay, along a line extended into the middle of the bay to the Robert Moses Causeway, thence easterly along a line drawn through the waters of the Great South Bay to the Islip/Brookhaven border, northerly along said border to the point of beginning: and that part of the town of Babylon bounded by a line described as follows: Beginning at the point where a line extended from the Nassau-Suffolk border into the Atlantic Ocean intersects the Suffolk county line, along said line east to where lt meets the line extended from the Robert Moses Causeway, north along said line to where it intersects the Islip/Babylon border, north along said border to Hunter Avenue, along said avenue to Deer Park Avenue, along said avenue to Hamilton Avenue, along said avenue to Brookside Avenue, along said avenue to Sunrise

Highway, along said highway to Belmont Avenue, along said avenue to Windmill Avenue, along said avenue to Laramie Road, along said road to America Avenue, along said avenue to Belmont Avenue, along said avenue to Throop Street, along said street to Bond Street, along said street to Baur Street, along said street to Little East Neck Road, along said road to 2nd Street, along said street to 15th Avenue, along said avenue to 3rd Street, along said street to 14th Avenue, along said avenue to Herzel Boulevard, along said avenue to Straight Path, along said path to Route 109, along said route to East Drive, along said drive to the Lindenhurst Village Border, along said border to the center of Santapogue Creek, along center of said creek extended to the waters of the Great South Bay, to the Nassau/Suffolk county line, along said line to the point of beginning.

9. Ninth district. In the county of Suffolk that part of the town of Huntington bounded by a line described as follows: Beginning at a point where Deer Pack Avenue intersects the Huntington/Babylon town border thence northerly along said avenue to the Long Island Expressway, along said expressway to Bagatelle Road, along said road to Pattit Drive, along said drive to Half Hollow Road, along said road to Westcliff Drive, along said drive to Estates Place, along said place to Carmen Road, along said road to Northern State Parkway, along said parkway to Wolf Hill Road, along said road to Old County Road, along said road to Deer Park Road West, along said road to Park Avenue, along said avenue to Maplewood Road, along said road to East Rogues Path, along said path to Whitson Road, along said road to Park Avenue, along said avenue to Broadway, along Broadway to New York Avenue, along said avenue to Holdsworth Drive, along said drive to Oakwood Road, along said road to Soundview Road, along said road to Woodbury Road, along said road to West Neck Road, along said road to Central Street, along said street to Clinton Avenue, along said avenue to Tanyard Lane,

along said lane to West Neck Road, along said road to the Lloyd Harbor village border, along said border to a point where the Lloyd Harbor border meets the border of the village of Huntington Bay along the Lloyd Harbor/Huntington Bay village borders to a point where the borders meet the Huntington town line thence northerly along said line, then easterly along said line, then southerly along said line, thence westerly to a point where Deer Park Avenue intersects the Huntington/Babylon town border, the point of beginning.

10. Tenth District. In the county of Suffolk, that part of the town of Huntington bounded by a line described as follows: Beginning at a point where Deer Park Avenue intersects the Huntington/Babylon town border thence northerly along Deer Park Avenue to the Long Island Expressway, along said expressway to Bagatelle Road, along said road to Pettit Drive, along said drive to Half Hollow Road, along said road to Westcliff Drive, along said drive to Estates Place, along said place to Carmen Road, along said road to Northern State Parkway, along said parkway to Wolf Hill Road, along said road to Old County Road, along said road to Deer Park Road West, along said road to Park Avenue, along said avenue to Maplewood Road, along said road to East Rogues Path, along said path to Whitson Road, along said road to Park Avenue, along said avenue to Broadway, along Broadway to New York Avenue, along said avenue to Holdsworth Drive, along said drive to Oakwood Road, along said road to Soundview Road, along said road to Woodbury Road, along said road to West Neck Road, along said road to Central Street, along said street to Clinton Avenue, along said avenue to Tanyard Lane, along said lane to West Neck Road, along said road to the Lloyd Harber village border, along said border to a point where the Lloyd Harber border meets the border of the village of the Huntington Bay, along the village borders to a point where the

borders meet the Huntington town line thence westerly along said town line, then southerly along said town line to a point where the borders separating the towns of Huntington and Babylon meet, thence easterly along said border to a point where Deer Park Avenue intersects the Huntington/Babylon town border, the point of beginning: and that part of the town of Babylon bounded by a line described as follows: Beginning at a point where Hunter Avenue intersects the border of the towns of Babylon and Islip thence westerly to Deer Park Avenue, along said avenue to Hamilton Avenue, along said avenue to Brookside Avenue, along said avenue to north services toad of the Sunrise Highway to the western border of Belmont State Park, along said border to Sunrise Highway along said highway to a point where Falmouth Avenue extended intersects Sunrise Highway from said point to the south service road of Sunrise Highway, along said service road to a point where Laramie Road extended intersects Sunrise Highway, from said point to Sunrise Highway along said highway to Belmont Avenue, along said avenue to Windmill Avenue, along said avenue to Laramie Road, along said road to America Avenue, along said avenue to Belmont Avenue, along said avenue to Troop Street, along said street to Bond Street, along said street to Clark Street, along said street to Belmont Avenue, along said avenue to the Southern State Parkway loop, along said loop to the Southern State Parkway, along said parkway to Elda Lake Creek, along said creek to August Road, along said road to Ida Lane, along said lane to Victoria Road, along said road to Woods Road, along said road to Dollard Drive, along said drive to Cypress Street, along said street to Carlls Path, along said path to Canary Place, along said place to Commack Road, along said road to Checubina Lane, along said lane to Leader Avenue, along said avenue to Noble Street, along said street to Crown Street, along said street to Bay Shore Road, along said road to Skidmore Path, along said path to Eddie Avenue, along said avenue to Deer Park

Avenue, along said avenue to Weeks Road, along said road to Bay Shore Road, along said road to the Babylon Town line, thence southerly along said town line to a point where Hunter Avenue intersects the Babylon/Islip town border, the point of beginning: and that part of the Town of Babylon bounded by a line described as follows: Beginning at a point where Sunburst Drive extended intersects the Babylon/Islip town border thence westerly to Headline Road, along said road to Crossway Drive, along said drive to Commack Road, along said road to Tell Avenue, along said avenue to Franklin Avenue, along said avenue to Bay Shore Road, along said road to Deer Park Avenue, along said avenue to Fairview Avenue, along said avenue to Van Cott Avenue, along said avenue to Erlanger Boulevard, along said boulevard to Woods Road, along said road to Praire Drive, along said drive to August Road, along said road to Carll's River, along said river to a point where Westview Avenue extended intersects said river, along said avenue to 24th Street, along said street to Oakland Avenue, along said avenue to West 21st Street, along said street to Park Avenue, along said avenue to West 22nd Street, along said street to Grand Boulevard, along said boulevard to West 21st Street, along said street to Long Island Avenue, along said avenue to Carll's River, along said river to Old County Road, along said road to Straight Path, along said path to Burns lane, along said lane to the Babylon Town line, thence westerly to Oaceole Avenue, along said avenue to Prospect Place, along said place to Long Island Avenue, along said avenue to Carll's Path, along said path to the Long Island Rail Road, along said railroad to the Babylon town line, thence southerly along the Babylon/Islip town border to a point where Sunburst Drive extended intersects the Babylon/Islip town border, the point of beginning; and that part of the town of Babylon bounded by a line described as follows: Beginning at a point where New Highway intersects the Babylon/Huntington town border thence southerly to the Long Island Rail Road

(Mainline) along said railroad to Broad Hollow Road, along said road to Farmingdale Road, along said road to the border separating the town of Babylon and Nassau county, thence northerly along said border to a point where the borders of the county of Nassau and the towns of Huntington and Babylon meet, thence westerly along the border separating the towns of Huntington and Babylon to a point where New Highway intersects the Babylon/Huntington Town border, the point of beginning; and that part of the town of Islip bounded by a line described as follows: Beginning at a point where the Southern State Parkway intersects the Islip/Babylon town line thence easterly to Bay Shore Road, along said road to Udall Road, along said road to Howell's Road, along said road to Grand Boulevard, along said boulevard to the border separating the Towns of Islip and Babylon, thence southerly along said border to a point where the Southern State Parkway intersects the Islip/Babylon town line, the point of beginning.

11. Eleventh district. In the county of Suffolk, that part of the town of Babylon bounded by a line described as follows: Beginning at a point where Farmingdale Road intersects the Suffolk-Nassau county line, southeast along Farmingdale Road, to Broad Hollow Road, along said road to the main line of the Long Island Rail Road, along said railroad to New Highway, along said highway to the Huntington-Babylon town line, along said town line to Burns Lane, along said lane to Straight Path, along said path to Old Country Road, along said road to St. Mark's Place, along said place to Carlls River, along said river to Long Island Avenue, along said avenue to West 21st Street, along said street to Grand Boulevard, along said boulevard to West 22nd Street, along said street to Park Avenue, along said avenue to West 21st Street, along said street to Oakland Avenue, along said avenue to West 24th Street, along said street to Westview Avenue, along said avenue to Carlls River, along said river to August Road, along said road to

Prairie Drive, along said drive to West 16th Street, along said street to Erlanger Boulevard, along said boulevard to Deer Park Avenue, along said avenue to Bay Shore Road, along said road to Franklin Avenue, along said avenue to Tell Avenue, along said avenue to Old Commack Road, along said road to Crossway Drive, along said drive to Headline Road, along said road to Sunburst Drive, along said drive to the center of Sampawams Creek, along the center of said creek to Half Hollow Road, along said road to Weeks Road, along said road to Deer Park Avenue, along said avenue to Eddie Avenue, along said avenue to Skidmores Path, along said path to Bay Shore Road, along said road to Crown Street, along said street to Noble Street, along said street to Leader Avenue, along said avenue to Cherubina Avenue, along said avenue to Old Commack Road, along said road to Canary Place, along said place to Carlls Path, along said path to Cypress Street, along said street to Dollard Drive, along said drive to Woods Road, along said road to Victoria Road, along said road to Ida Lane, along said lane to August Road, along said road to Elda Lake Creek, along said creek to Southern State Parkway, along said parkway to Belmont Avenue, along said avenue to Clack Street, along said street to Bond Street, along said street to Baur Street, along said street to Little East Neck Road, along said road to 2nd Street, along said street to 15th Avenue, along said avenue to 3rd Street, along said street to 14th Avenue, along said avenue to Herzel Boulevard, along said boulevard to Straight Path, along said path to New York State Route 109, along said route to East Drive, Along said drive to the Lindenhurst Village border, along said border to the center of Santapogue Creek, along the center of said creek extended to the waters of Great South Bay, westerly through said bay to the Suffolk-Nassau County Line, to a point where said county line intersects Farmingdale Road, the point of beginning.

12. Twelfth district. In the county of Nassau, that part of the town of Oyster Bay bounded by a line described as follows: Beginning at a point where Conklin Street intersects the Suffolk County border, along said border to the Farmingdale Village Line, along said line to Merrits Road which becomes Central Avenue, along said avenue to Bethpage State Parkway, along said parkway to Bethpage State Parkway access road, along said access road to Plainview Road, along said road to Seaford Oyster Bay Expressway, along said expressway to Broadway, along Broadway to Cherry Avenue, along said avenue to Stewart Avenue, along said avenue to Sherman Avenue, along said avenue to South First Street, along said street to Grant Avenue, along said avenue to South Second Street, along said street to Railroad Avenue, along said avenue to Benkett Street, along said street to Stewart Avenue, along said avenue to Long Island Rail Road tracks, along center of said tracks to Broadway, along Broadway to Baldwin Place, along said place to Park Avenue, along said avenue to Central Avenue, along said avenue to Stewart Avenue, along said avenue to Brenner Avenue, along said avenue to the Oyster Bay Town Line, along said town line extended into the waters of the Atlantic Ocean, along said line extended to the Suffolk County Border, along said border to Conklin Street, the point of beginning.

13. Thirteenth district. That part of the county of Nassau, the City of Glen Cove and that part of the town of Oyster Bay bounded by a line described as follows: Beginning at a point where the Nassau/Suffolk county border intersects with the Farmingdale Village limit, along said limit so as to exclude said village to Merritts Road, along said road to Central Avenue, along said avenue to Bethpage State Parkway, along said parkway to the Bethpage State Parkway Ramp, along said ramp to Plainview Road, along said road to the Seaford Oyster Bay Expressway North, along said

expressway to Old Country Road, along said road to Grohmans Lane, along said lane to Lincoln Road North, along said road to Shelly Court, along said court to Old Country Road, along said road to Universal Boulevard, along said boulevard to Nassau Avenue, along said avenue to Elmwood Street, along said street to Virginia Avenue, along said avenue to Parkview street, along said street to Amby Avenue, along said avenue to Elmwood Street, along said street to Jamaica Avenue, along said avenue to South Oyster Bay Road, along said road to Plaza Gate, along Plaza Gate to Circle Drive, along said drive to Pollok Place, along said place to Evelyn Drive, along said drive to Ketchams Road, along said road to Gardenia Lane, along said lane to Fuchia Lane, along said lane to Balsam Drive, along said drive to Ingram Drive, along said drive to Miller Place, along said place to Northern State Parkway, along said parkway to the Long Island Rail Road right-of-way, along said right-of-way to the Long Island Expressway, along said expressway to North Broadway, along North Broadway to Northern State Parkway, along said parkway to Cantiague Rock Road, along said road to the Oyster Bay/North Hempstead Town Line, northerly along said line to Jericho Turnpike, along said turnpike to the East Norwich Road, along said road to Old Jericho Turnpike, along said turnpike to Jericho Turnpike, along said turnpike to Woodbury Road, along said road to Syosset Woodbury Road, along said road to the Long Island Rail Road right-of-way, along said right-of-way to Woods Road, along said road to Chelsea Drive, along said drive to Calvert Drive, along said drive to Cold Spring Harbor Road, along said road to White Oak Tree Road, along said road to Hempstead Turnpike, along said turnpike to Berry Hill Road, along said road to Anstice Street, along said street to Summit Street, along said street to South Street, along said street to West Main Street, along said street to West Shore Road, along said road to the Long Island Rail Road right-of-way, along said right-of-way to Frost Mill Road, along said road to Cleft Road, along

said road to Horseshoe Road, along said road to Roger Canoe Hollow Road, from said road a line extending north to a point in the middle of Mill Neck Bay, from said point to a line extending westerly to where said line meets the Mill Neck Creek, from said creek to the Mill Neck Bay Shore, northerly along said shore to the Bayville Village limit, along said limit as to include said village to Bayville Avenue, along said avenue to Locust Valley-Bayville Road, along said road to Fox Lane, along said lane to the middle of Frost Creek, along said creek to Frost Creek Drive, along said drive to Meudon Drive, along said drive to Lattingtown Road, along said road to the city of Glen Cove limit, southerly thence westerly along said limit to Carpenter Avenue, along said avenue to Harbor Way, along said way to Glen Cove Avenue, along said avenue to Glenwood Road, along said road to Shore Road, along said road to the Oyster Bay/North Hempstead border, northerly along said border to the center of Long Island Sound, easterly along said sound to the Suffolk/Nassau county border, southerly along said border to the point where said border intersects with the Farmingdale Village limit, the point of beginning; also including that part of the town of North Hempstead bounded by a line described as follows: Beginning at a point where Shore Road intersects the Oyster Bay/North Hempstead town boundary, southerly along said boundary to the Greenvale Village limit, southerly thence easterly along said limit as to exclude said village to the intersection of said limit with the Oyster Bay/North Hempstead border, along said border to the Village of East Hills limit, along said limit as to include said village to Round Hill Road, along said road to Revere Road, along said road to Short Street, along said street to Harbor Hill Road, along said road to Roslyn Road, along said road to the Roslyn Village limit, along said limit southerly thence westerly as to include said village to the intersection of the Roslyn Estates Village limit, along said limit as to include said village to the Spur, along said Spur to the

Oaks, along said Oaks to the Dogwoods, along said Dogwoods to Intervale, along said Intervale to the Maples, along said Maples to Willis Avenue, along said avenue to the Roslyn/Roslyn Estates Village limit, along said limit to Northern Boulevard, along said boulevard to Layton Street, along said street to Old Northern Boulevard, along said boulevard to Tatterson Street, along said street to Northern Boulevard, along said boulevard to a point In the middle of Hempstead Harbor Channel thence northerly to the Oyster Bay/North Hempstead town border, easterly along said border to Shore Road, the point of beginning: also within the town of North Hempstead, that part bounded by a line described as follows: Beginning at a point where the Oyster Bay/North Hempstead Town border intersects with Prospect Avenue, along said avenue to Wantagh State Parkway, along said parkway to the Long Island Rail Road right-of-way, along said right-of-way to Urban Avenue, along said avenue to Grand Boulevard, along said boulevard to Swalm Avenue, along said avenue to Main Street, along said street to Garden Street, along said street to the Long Island Rail Road right-of-way, along said right-of-way to the Westbury Village limits, along said limit as to exclude said village to Nassau, along said Nassau to Newton Street, along said street to School Street, along said street to Jefferson Street, along said street to Cambridge Avenue, along said avenue to Jericho Avenue, along said avenue to the Old Westbury Village limit, easterly thence northerly along said limit as to exclude said limit to the Oyster Bay/North Hempstead town border, southerly along said border to the intersection of said border and Prospect Avenue, the point of beginning.

14. Fourteenth district. In the county of Nassau, that part of the town of Oyster Bay bounded by a line described as follows: Beginning at a point where Broadway intersects the Seaford Oyster Bay Expressway, northerly along said expressway to Old Country Road,

along said road to Grohman's Lane, along said lane to Lincoln Road North, along said road to Lincoln Gate, along said roadway to Old Country Road, along said road to Universal Boulevard, along said boulevard to Nassau Avenue, along said avenue to Elmwood Street, along said street to Virginia Avenue, along said avenue to Parkview Street, along said street to Amby Avenue, along said avenue to Elmwood Street, along said street to Jamaica Avenue, along said avenue to South Oyster Bay Road, along said road to Plaza Gate, along said gate to Circle Drive, along said drive to Pollak Place, along said place to Evelyn Drive, along said drive to Ketchams Road, along said road to Garedina Lane, along said lane to Fuchia Lane, along said lane to Balsam Drive, along said drive to Ingram Drive, along said drive to Miller Place, along said place to Northern State Parkway, along said parkway to Long Island Rail Road tracks, along center of said tracks to the Long Island Expressway, along said expressway tc North Broadway, along North Broadway to Northern State Parkway, along said parkway to Cantiague Rock Road, along said road to the Oyster Bay Town Line, southerly thence easterly along said line to Brenner Avenue, along said avenue to Stewart Avenue, along said avenue to Central Avenue, along said avenue to Park Avenue, along said avenue to Baldwin Place, along said place to Broadway, along Broadway to the Long Island Rail Road tracks, along center of said tracks to Stewart Avenue, along said avenue to Benkert Street, along said street to the Long Island Rail Road tracks, along center of said tracks to South Second Street, along said street to Grant Avenue, along said avenue to South First Street, along said street to Sherman Avenue, along said avenue to Stewart Avenue, along said avenue to Cherry Avenue, along said avenue to Broadway, along Broadway to the Seaford Oyster Bay Expressway, the point of beginning: and that portion of the town of Hempstead bounded by a line described as follows: Beginning at a point where the Hempstead/Oyster Bay Town border

intersects Jerusalem Avenue, along said avenue to Hempstead Turnpike, along said turnpike to Ranch Lane, along said lane to.Old Oak Lane, along said lane to Crest Lane, along said lane to Ranch Lane, along said lane to Green Lane, along said lane to Water Lane North, along said lane to Anchor Lane, along said lane to Grey Lane, along said lane to Sunrise Lane, along said lane to Hook Lane, along said lane to Old Hill Lane, along said lane to Sunrise Lane, along said lane to Wantagh Avenue, along said avenue to Jerusalem Avenue, along said avenue to Oakfield Avenue, along said avenue to Beltagh Avenue, along said avenue to Henry Street extended, southerly along said street extended to Curtis Place, along said place to Bellmore Creek, southerly along the center of said creek to Jackson Creek, easterly along the center of said creek to Flat Creek, easterly along the center of Flat Creek to where it meets Seaman's Island Creek, along the center of said creek to where it intersects the Hempstead/Oyster Bay town border, northerly thence westerly along said border to Jerusalem Avenue, the point of beginning.

15. Fifteenth district. In the county of Nassau, that part of the town of Oyster Bay bounded by a line described as follows: Beginning at a point where the North Hempstead/Oyster Bay Town border intersects with the Old Westbury Village limit, along said limit as to exclude said village to where it meets Jericho Turnpike, along said turnpike to the East Norwich Road, along said road to Old Jericho Turnpike, along said turnpike to Jericho Turnpike, along said turnpike to Woodbury Road, along said road to the Long Island Rail Road, along said railroad to Woods Road, along said road to Chelsea Drive, along said drive to Calvert Drive, along said drive to Cold Spring Harbor Road, along said road to White Oak Tree Road, along said road to Hempstead Turnpike, along said turnpike to Berry Hill Road, along said road to Anstice Street, along said street

to Summit Street, along said street to South Street, along said street to West Main Street, along said street to West Shore Road, along said road to the Long Island Rail Road, along said railroad to Frost Mill Road, along said road to Cleft Road, along said road to Horseshoe Road, along said road to Roger Canoe Hollow Road, from said road to a line extending north to a point in the middle of Mill Neck Bay, from said point a line extending westerly to where said line meets the Mill Neck Creek, from said creek to Mill Neck Bay Shore, northerly along said shore to Bayville Village limit, along said limit as to exclude said village to Bayville Avenue, along said avenue to Locust Valley-Bayville Road, along said road to Fox Lane, along said lane to the middle of Frost Creek, along said creek to Frost Creek Drive, along said drive to Meudon Drive, along said drive to Lattingtown Road, along said road to the city of Glen Cove limit, southerly thence westerly along said limit to Carpenter Avenue, along said avenue to Harbor Way, along said way to Glen Cove Avenue, along said avenue to Glenn Wood Road, along said road extended to the Oyster Bay/North Hempstead Town border, southerly along said border to the intersection between said border and the Old Westbury Village limit, the point of beginning; and that part of the town of North Hempstead bounded by a line described as follows: Beginning at a point where the Oyster Bay/North Hempstead Town border intersects with the Greenvale Village limit, southerly thence easterly along said limit as to include said village to the intersection of the Oyster Bay/North Hempstead Town border, northerly along said border to the point of beginning; also that part of the town of North Hempstead bounded by a line described as follows: Beginning at a point where the Oyster Bay/North Hempstead Town border intersects with the Old Westbury Village limit, along said limit as to include said village to the intersection with Westwood Circle, along said circle to Old Powerhouse Road, along said road to East Horseshoe Drive, along said drive to

West Horseshoe Drive, along said drive to Old Powerhouse Road, along said road to Albertson Road, along said road to the Long Island Expressway, along said expressway to Glen Cove Road, along said road to where it meets the Old Westbury Village limit, southerly along said limit as to include said village to Willston Avenue, along said avenue to Rex Court, along said court to Treadwell Road, along said road to Crandall Drive, along said drive to Greentree Road, along said road to Jay Court, along said court to Jericho Turnpike, along said turnpike to Glen Cove Road, along said road to West Asbury Avenue, along said avenue to Cherry Lane, along said lane to Aspinwall Street, along said street to Carle Road, along said road to Old Country Road, along said road to Grand Boulevard, along said boulevard to Swalm Avenue, along said avenue to Main Street, along said street to Garden Street, along said street to the Long Island Rail Road, along said railroad to School Street, along said street to Brush Hollow Road (Union Avenue), along said road to Nassau, along Nassau to Newton Street, along said street to School Street, along said street to Jefferson Street, along said street to Cambridge Avenue, along said avenue to Jericho Turnpike, along said turnpike to the Old Westbury Village limit, along said limit so as to include said village to the Oyster Bay/North Hempstead Town border, northerly along said border to the intersection of the Old Westbury Village limit, the point of beginning: also that part of the town of North Hempstead bounded by a line described as follows: Beginning at a point where Old Country Road intersects with Urban Avenue, along said avenue to the Long Island Rail Road, along said railroad to Wantagh State Parkway, along said parkway to Prospect Avenue, along said avenue to Oyster Bay/North Hempstead Town border, southerly along said border to Old Country Road, along said road to Urban Avenue, the point of beginning; also that part of the town of Hempstead bounded by a line described as follows: Beginning at a point where the North

Hempstead/Hempstead Town Border intersects with Merrick Avenue, southerly along said avenue to Warren Street, along said street to Greene Avenue, along said avenue to Oswego Street, along said street to Starke Avenue, along said avenue to Prospect Avenue, along said avenue to Eastmeadow Avenue, along said avenue to Harton Avenue, along said avenue to Hull Street, along said street to Powers Avenue, along said avenue to Eastmeadow Avenue, along said avenue to North Drive, along said drive to Midland Drive, along said drive to Center Road, along said road to Meadow Lane, along said lane to Midland Drive, along said drive to East Meadow Avenue, along said avenue to Central Drive South, along said drive to Blackstone Avenue, along said avenue to Meriot Street, along said street to Bruce Drive, along said drive to Wenwood Drive, along said drive to Harvey Lane, along said lane to Cynthia Drive, along said drive to Chaladay Lane, along said lane to Bethlyn Court, along said court to North Jerusalem Road, along said road to Bellmore Avenue, along said avenue to Waltoffer Annex, along said annex to Crest Road West, along said road to Monroe Avenue, along said avenue to Bellmore Avenue, along said avenue to the Southern State Parkway, along said parkway to the Southern State Parkway Ramp, along said ramp to Newbridge Road, along said road to Hart Avenue, along said avenue to Little Neck Avenue, along said avenue to Norwood Avenue, along said avenue to Armand Street, along said street to Columbus Avenue, along said avenue to Wenwood Drive, along said drive to Locust Avenue, along said avenue to Melissa Lane, along said lane to Adrienne Drive, along said drive to Old Britton Road, along said road to Columbus Avenue, along said avenue to Bellmore Road, along said road to the Southern State Parkway, along said parkway to the Wantagh State Parkway, along said parkway to Salisbury Park Drive extended, along said drive extended to Jerusalem Avenue, along said avenue to the Oyster Bay/Hempstead Town border, westerly thence northerly

on said border to the North Hempstead/Hempstead Town border, westerly along said border to Merrick Avenue, point of beginning.

16. Sixteenth district. In the county of Nassau, that part of the town of North Hempstead bounded by a line described as follows: Beginning at a point where the Nassau/Queens County Line meets with Hillside Avenue, along said avenue to New Hyde Park Road, along said road to Union Turnpike, along said turnpike to Marcus Avenue, along said avenue to Hillside Avenue, along said avenue to Howard Avenue, along said avenue to Tuxedo Avenue, along said avenue to Vale Court, along said court to Marcus Avenue, along said avenue to Herricks Court, along said court to Rhodes Drive, along said drive In a southeasterly direction to Devonshire Drive, along said drive to Sixley Drive, along said drive to Herbert Drive, along said drive to Morris Drive, along said drive to Joseph Road, along said road to Birchwood Drive, along said drive to Betty Road, along said road to Marcus Avenue, along said avenue to Country Court House Road, along said road to Bedford Avenue, along said avenue to Cornella Avenue, along said avenue to Park avenue, along said avenue to Country Court House Road, along said road to Broadway, along Broadway to Herricks Road, along said road to Lafayette Street, along said street to Brunswick Avenue, along said avenue to Prospect Street, along said street to the Herricks/Williston Park Village border, along said border to Williams Street, along said street to Searingtown Road, along said road to Lydia Court, along said court to Solar Lane, along said lane to Serpentine Lane, along said lane to Nassau Drive along said drive to Willis Avenue, along said avenue to Meldon Avenue, along said avenue to Devon Road, along said road to I.U. Willets Road, along said road to the Long Island Rail Road right-of-way, along said right-of-way to the East Williston Village Border, along said border to Hillside Avenue, along said avenue to the

Northern State Parkway, along said parkway to the Old Westbury Village Line, along said village line to Glen Cove Road, along said road to the Long Island Expressway, along said expressway to Locust Lane, along said lane to Old Powerhouse Road, along said road to West Horseshoe Drive, along said drive to East Horseshoe Drive, along said drive to Old Powerhouse Road, along said road to Westwood Circle, along said circle to Wood Circle, along said circle to Glen Cove Road, along said road to Round Hill Road, along said road to Revere Road, along said road to Short Street, along said street to Harbor Hill Road, along said road to Roslyn Road, along said road to the Long Island Rail Road right-of-way, along said right-of-way to Warner Avenue, along said avenue to the Roslyn village border, along said border to Hillside Avenue, along said avenue to Willis Avenue, along said avenue to Warner Avenue, along said avenue to Burnham Avenue, along said avenue to Roslyn Estates Village Line, along said line to include said village to The Spur, along said Spur to the Oaks, along said Oaks to the Dogwoods, along said Dogwoods to Intervale, along said Intervale to the Maples, along said Maples to Willis Avenue, along said avenue to the Roslyn Village/Roslyn Estates Border, along said border to Northern Boulevard, along said boulevard to Layton Street, along said street to Old Northern Boulevard, along said boulevard to Tatterson Street, along said street to Northern Boulevard, along said boulevard to a point in the middle of Hempstead Harbor Channel, thence northerly to the Oyster Bay/North Hempstead town border, northerly along said border to where It meets the Nassau/Westchester County border, westerly along said border through the middle of Long Island Sound to the Bronx/Nassau County border, southerly along said border through the middle of Long Island Sound to where It meets the Queens/Nassau county border, southerly along said border to where it meets with Hillside Avenue, the point of beginning.

17. Seventeenth district. In the county of Nassau, that portion of the town of North Hempstead bounded by a line described as follows: Beginning at a point where the Nassau/Queens County Line meets with Hillside Avenue, along said avenue to New Hyde Park Road, along said road to Marcus Avenue, along said avenue to Herricks Court, along said court to Rhodes Drive, along said drive In a southeasterly direction to Devonshire Drive, along said drive to Bixley Drive, along said drive to Herbert Drive, along said drive to Morris Drive, along said drive to Joseph Road, along said road to Birchwood Drive, along said drive to Betty Road, along said road to Marcus Avenue, along said avenue to Country Court House Road, along said road to Bedford Avenue, along said avenue to Cornella Avenue, along said avenue to Park avenue, along said avenue to Country Court House Road, along said road to Broadway, along Broadway to Herricks Road, along said road to Lafayette Street, along said street to Brunswick Avenue, along said avenue to Prospect Street, along said street to the Herricks/Williston Park Village border, along said border to Williams Street, along said street to Searingtown Road, along said road to Lydia Court, along said court to Solar Lane, along said lane to Serpentine Lane, along said lane to Nassau Drive, along said drive to Willis Avenue, along said avenue to Meldon Avenue, along said avenue to Devon Road, along said road to I.U. Willets Road, along said road to the Long Island Rail Road right-of-way, along said right-of-way to the East Williston Village Bordet, along said border to Hillside Avenue, along said avenue to Rex Court, along said court to Tredwell Road, along said road to Crandall Drive, along said drive to Greentree Road, along said road to Jay Court, along said court to Jericho Turnpike, along said turnpike to Glen Cove Road, along said road to the intersection of West Asbury Avenue extended, easterly along said avenue extended to West Asbury Avenue, along said avenue to Cherry Lane, along said lane to Aspinwall

Street, along said street to Carle Road, along said road to the Hempstead/North Hempstead town border, westerly along said border to where it meets the Queens/Nassau County border, thence northerly along said border to where lt meets with Hillside Avenue, the point of beginning; and that part of the town of Hempstead bounded by a line described as follows: Beginning at a point where the Queens/Nassau County border intersects the Hempstead/North Hempstead town border, along said town border to the New Hyde Park/Floral Park Village BOrder, along said border to the Long Island Rail Road tracks, easterly along said tracks to Covert Avenue, along said avenue to 3rd Avenue, along said avenue to Premier Boulevard, along said boulevard to 5th Avenue, along said avenue to 3rd Avenue, along said avenue to New Hyde Park/Floral Park Village Border, along said border to Covert Avenue, along said avenue to 11th Avenue, along said avenue to Premier Boulevard, along said boulevard to 10th Avenue, along said avenue to Covert Avenue, along said avenue to Grant Place, along said place to South 8th Street, along said street to Stewart Manor Village Border, along said border to where it intersects the Franklin Square Village Border, along said border to where lt intersects the Village of Garden City Border, along said border along said border to Yale Road, along said road to 2nd Place, along said place to Wellington Road South, along said road to Princeton Avenue, along said avenue to Nassau Boulevard South, along said boulevard to Warren Place, along said place to Kensington Road South, along said road to 7th Street extended, along said street extended to Franklin Square Village/Garden City Village border, along said border to where lt intersects the Hempstead Village Border, along said border to its intersection with Westbury Boulevard, along said boulevard to Oak Street, along said street to the Uniondale/Hempstead Village Border, along said border and Cedar Avenue, along said avenue to Bedford Avenue, along said avenue to Webster

Avenue, along said avenue to Lenox Avenue, along said avenue to Cedar Avenue, along said avenue to Duryea Avenue, along said avenue to Hempstead Boulevard, along said boulevard to Maple Avenue, along said avenue to Jerusalem Avenue, along said avenue to Uniondale Avenue, along said avenue to Jaffa Avenue, along said avenue to Boca Street, along said street to Jerusalem Avenue, along said avenue to Meadowbrook State Parkway, along said parkway to Grand Avenue, along said avenue to Meadowbrook Road, along said road to Bushwick Avenue, along said avenue to Gildersleeve Street, along said street to Horatio Avenue, along said avenue to State Street, along said street to Gianelli Avenue, along said avenue to Schermerhorn Street, along said street to Horatio Avenue, along said avenue to Hanover Place, along said place to Webster Street, along said street to Pettit Avenue, along said avenue to Horatio Avenue, along said avenue to Merrick Avenue, along said avenue to Camp Avenue, along said avenue to Maeder Avenue, along said avenue to Henry Road, along said road to Merrick Avenue, southerly along said avenue to Little Whale Neck Road, northerly along said road to Lee Avenue, along said avenue to Bascom Avenue, along said avenue to Abbot Avenue, along said avenue to Little Whale Neck Road, along said road to the Southern State Packway, along said parkway to Merrick Avenue, along said avenue to North Jerusalem Road, along said road to Bethlynn Court, along said court to Chaladay Lane, along said lane to Cynthia Drive, along said drive to Harvey Lane, along said lane to Wenwood Drive, along said drive to Bruce Drive, along said drive to Merion Street, along said street to Blackstone Avenue, along said avenue to Central Drive South, along said drive to East Meadow Avenue, along said avenue to Midland Drive, along said drive to Meadow Lane, along said lane to Center Road, along said road to Midland Drive, along said drive to North Drive, along said drive to East Meadow Avenue along said avenue to Powers Avenue, along said avenue

to Hull Street, along said street to Harton Avenue, along said avenue to East Meadow Avenue, along said avenue to Prospect Avenue, along said avenue to Stark Avenue, along said avenue to Oswego Street, along said street to Greene Avenue, along said avenue to Warren Street, along said street to Merrick Avenue, along said avenue to the Hempstead/North Hempstead town border, along said border to its intersection with the Queens County/Nassau County border, the point of beginning.

18. Eighteenth district. In the county of Nassau, that part of the town of Hempstead bounded by a line described as follows: Beginning at a point where the Meadowbrook State Parkway intersects Jerusalem Avenue, along said avenue to Bira Street, along said street to Jaffa Avenue, along said avenue to Uniondale Avenue, along said avenue to Jerusalem Avenue, along said avenue to Maple Avenue, along said avenue to Hempstead Boulevard, along said boulevard to Duryea Avenue, along said avenue to Cedar Avenue, along said avenue to Lenox Avenue, along said avenue to Webster Avenue, along said avenue to Bedford Avenue, along said avenue to its intersection with the Hempstead Village limit, along said village limit to Oak Street, along said street to Westbury Boulevard, along said boulevard to the Hempstead Village limit, along said village limit to Meadow Place, along said place to Main Street, along said street to the Hempstead Village limit, along said village limit to Hempstead Avenue, along said avenue to its intersection with the tracks of the Long Island Railroad, along said tracks to Birch Street, along said street to Woodfield Road, along said road to the Southern State Parkway, along said parkway to its intersection with the tracks of the Long Island Rail Road, along said tracks to the Lakeview Village limit, southerly along said village limit to Ocean Avenue, along said avenue to Peninsula Boulevard, along said boulevard to its intersection with the western border of the Reverend Morgan Days Park, along said border to

Lakeview Avenue, along said avenue to Lakeview Village limit, along said village limit to North Village Avenue, along said avenue to the Southern State Parkway, along said parkway to Grand Avenue, along said avenue to Woodside Avenue, along said avenue to Barth Drive, along said drive to Matheron Avenue, along said avenue to Lexington Avenue, along said avenue to West Forest Avenue, along said avenue to Milburn Creek, southerly along the center of said creek to the Milburn Pond, southerly along the center of said pond to Merrick Road, along said road to South Brookside Avenue, along said avenue to Archer Street, along said street to South Bayview Avenue, along said avenue to Whaley Street, along said street to Guy Lombardo Avenue, along said avenue to Atlantic Avenue, along said avenue to Bedell Street, along said street to East Bedell Street, along said street to South Main Street, along said street to a line extended to the Freeport Village limit, along said village limit to Merrick Road, along said road to the Meadowbrook State Parkway, along said parkway to the Southern State Parkway, the point of beginning.

19. Nineteenth district. In the county of Nassau, that part of the town of Hempstead bounded by a line described as follows: Beginning at a point where a line extended from Hickory Lane intersects Jerusalem Avenue, along said avenue to Gardiners Avenue, along said avenue to Hempstead Bethpage Turnpike, along said turnpike to Ranch Lane, along said lane to Old Oak Lane, along said lane to Crest Lane, along said lane to Ranch Lane, along said lane to Green Lane, along said lane to Water Lane North, along said lane to Anchor Lane, along said lane to Grey Lane, along said lane to Sunrise Lane, along said lane to Hook Lane, along said lane to Old Hill Lane, along said lane to Sunrise Lane, along said lane to Wantagh Avenue, along said avenue to Jerusalem Avenue, along said avenue to Oakfield Avenue, along said avenue to Beltagh Avenue, along

said avenue to Henry Street, along said street to a line extended southerly from Henry Street to Curtis Place, along said place to Bellmore Creek, southerly along the center of said creek to Jackson Creek, easterly along the center of said creek to Flat Creek, easterly along the center of Flat Creek to where it meets Seaman's Island Creek, along the center of said creek to where it intersects the town of Hempstead/Oyster Bay town border, then along a line extended south from said intersection to the Atlantic Ocean, westerly along the coastline to the Jones Inlet, northerly along the center of said inlet to a point where lt intersects with the center of the Sloop Channel, along a line extended westerly from said point through the center of Reynolds Channel, along said channel to the Hog Island Channel, northerly along the center of said channel, then easterly along said channel to the Barnum's Island Channel, along the center of said channel to Garrett's Lead, along the center of said lead to Parsonage Creek, along the center of said creek to Foxhurst Road, along said road to Grand Avenue, along said avenue to Merrick Road, along said road to South Brookside Avenue, along said avenue to Archer Street, along said street to South Bayview Street, along said street to Whaley Street, along said street to Guy Lombardo Avenue, along said avenue to Atlantic Avenue, along said avenue to Bedell Street, along said street to East Bedell Street, along said street to South Main Street, along said street to the border of the Cow Meadow Park Preserve, along said border to the Freeport Creek, along the center of said creek to Merrick River, along the center of said river to Merrick Road, along said road to the Meadowbrook Parkway, along said parkway to the Babylon Turnpike, along said turnpike to Meadowbrook Road, along said road to Bushwick Avenue, along said avenue to Gildersleeve Street, along said street to Horatio Avenue, along said avenue to State Street, along said street to Gianelli Avenue, along said avenue to Schermerhorn Street, along said street to Horatio Avenue, along said avenue

to Hanover Place, along said place to Webster Street, along said street to Pettit Avenue, along said avenue to Horatio Avenue, along said avenue to Merrick Avenue, along said avenue to Camp Avenue, along said avenue to Maeder Avenue, along said avenue to Henry Road, along said road to Merrick Avenue, southerly along said avenue to Little Whale Neck Road, northerly along said road to Lee Avenue, along said avenue to Bascom Avenue, along said avenue to Abbot Avenue, along said avenue to Little Whale Neck Road, along said road to Southern State Parkway, along said parkway to Merrick Avenue, along said avenue North Jerusalem Avenue, along said avenue to Bellmore Avenue, along said avenue to Waltoffer Annex, along said annex to Crest Road West, along said road to Monroe Annex, along said annex to Bellmore Avenue, along said avenue to Southern State Parkway, along said parkway to Southern State Parkway Ramp, along said ramp to Newbridge Road, along said road to Hart Avenue, along said avenue to Little Neck Avenue, along said avenue to Norwood Avenue, along said avenue to Armand Avenue, along said avenue to Columbus Avenue, along said avenue to Wenwood Drive, along said drive to Locust Avenue, along said avenue to Melissa Lane, along said lane to Adrienne Drive, along said drive to Old Britton Road, along said road to Columbus Avenue, along said avenue to Bellmore Road, along said road to a line extended from Bellmore Road, along said line extended to Southern State Parkway, along said parkway to Wantagh Parkway, then a line extended due east from the intersection of Wantagh Parkway and Salisbury Park Drive, along said line to Hickory Lane extended, along said lane extended to Hickory Lane, along said lane to Hickory Lane extended, along said lane extended to where it intersects with Jerusalem Avenue, the point of beginning.

20. Twentieth district. In the county of Nassau, the city of Long Beach, village of Atlantic Beach, and the

community of Atlantic Beach Estates; and that part of the town of Hempstead in the county of Nassau bounded by a line described as follows: Beginning at a point where the Nassau-Queens County line intersects with the City Limits of Long Beach, thence northerly along said county line to the South Valley Stream Village Limit, easterly along said limit to Prospect Avenue, along said avenue to the Lynbrook/Hewlett Village Limit, northerly along said Village limit to Atlantic Avenue, along said avenue to Wood Avenue, along said avenue to tracks of the Long Island Rail Road, along said tracks to the Oceanside/East Rockaway Village Limit, southerly along said village limit to Atlantic Avenue, along said avenue to Bayside Avenue, along said avenue to Messick Avenue, along said avenue to Moore Avenue, along said avenue to Nassau Road, along said road to Montgomery Avenue, along said avenue to Fulton Avenue, along said avenue to Vermont Avenue, along said avenue to Lawrence Avenue, along said avenue to West Waukena Avenue, along said avenue to South Long Beach Road, along said road to Waukena Avenue, along said avenue to 5th Street, along said street to Henrietta Avenue, along said avenue to lst Street, along said street to George Place, along said place to Oceanside Road, along said road to Davison Avenue, along said avenue to Brower Avenue, along said avenue to Atlantic Avenue, along said avenue to the center of the Parsonage Canal, southerly on a line through Parsonage Creek, to the center of Garrets Lead, along said lead to the middle of Barnums Island Channel, along the center of said channel to the center of Hog Island Channel, thence along said channel to the Long Beach City Limit to its intersection with the Queens-Nassau County Line, the point of beginning.

21. Twenty-first district. In the county of Nassau, that part of the town of Hempstead bounded by a line described as follows: Beginning at a point where the Queens/Nassau county line meets the Valley Stream

Village limit, easterly along said limit to Prospect Avenue, along said avenue to the Lynbrook/ Hewlett village limit, along said limit to the Lynbrook/East Rockaway village limit, northerly, along said village limit to Atlantic Avenue, along said avenue to Wood Avenue, along said avenue to the Long Island Rail Road tracks, along said tracks to the Oceanside/East Rockaway village line, along said village line so as to include Oceanside village to Atlantic Avenue southerly, along said avenue to Bayside Avenue, along said avenue to Messick Avenue, along said avenue to Moore Avenue, along said avenue to Nassau Road, along said road to Montgomery Avenue, along said avenue to Fulton Avenue, along said avenue to Vermont Avenue, along said avenue to Lawrence Avenue, along said avenue to West Waukena Avenue, along said avenue to South Long Beach Road, along said road to Waukena Avenue, along said avenue to 5th Street, along said street to Henrietta Avenue, along said avenue to First Street, along said street to George Place, along said place to Oceanside Road, along said road to Davison Avenue, along said avenue to Brower Avenue, along said avenue to Atlantic Avenue, along said avenue to the Oceanside/Baldwin village border, northerly along said border to where it meets with Parsonage Creek, along the center of said creek to Foxhurst Road, along said road to Merrick Road, along said road to Millburn Pond, northerly along the center of said pond to Millburn Creek, northerly along the center of said creek to West Forest Avenue, along said avenue to Lexington Avenue, along said avenue to Matheron Avenue, along said avenue to Barth Drive, along said drive to Grand Avenue (Baldwin Road), along said avenue to the Southern State Parkway, along said parkway to North Village Avenue, along said avenue to the Lakeview Village line, along said village line to Lakeside Drive, along said drive to the western border of the Reverend Morgan Days Park, along said border to the point where it intersects Peninsula Boulevard, along said boulevard

to Ocean Avenue, along said avenue to the Lakeview Village border, northerly along said border to Pinebrook Avenue, along said avenue to Ocean Avenue, along said avenue to Rider Avenue, along said avenue to Cambridge Street, along said street to Wicks Lane, along said lane to Cedar Road, along said road to Hansen Place, along said place to Rider Avenue, along said avenue to Franklin Avenue, along said avenue to the Long Island Rail Road tracks, along said tracks to where lt meets the Valley Stream Village border, along said border to the Nassau/Queens county line, southerly along said line to the Valley Stream Village limit, the point o beginning.

22. Twenty-second district. In the county of Nassau, that portion of the town of Hempstead bounded by a line described as follows: Beginning at a point where Cumberland Place intersects the Nassau/Queens county border, northerly along said border until it intersects Jericho Turnpike where said turnpike intersects the Floral Park village border, along said border to the Long Island Rail Road, along said railroad to Covert Avenue, along said avenue to 3rd Avenue, along said avenue to Premier Boulevard, along said boulevard to 5th Avenue, along said avenue to 3rd Avenue, along said avenue to the New Hyde Park/Floral Park Village border, along said border to Covert Avenue, along said avenue to 11th Avenue, along said avenue to Premier Boulevard, along said boulevard to 10th Avenue, along said avenue to Covert Avenue, along said avenue to Grant Place, along said place to South 8th Street, along said street to the Stewart Manor village border, along said border to where it intersects the Franklin Square village border, along said border to where it intersects the Village of Garden City border, along said border to Yale Road, along said road to 2nd Place, along said place to Wellington Road South, along said road to Princeton Avenue, along said avenue to Nassau Boulevard South, along said boulevard to Warren Place, along said place

to Kensington Road South, along said road to 7th Street extended, along said street extended to Franklin Square Village/Garden City Village border, along said border to where it intersects the village of Hempstead border (Stevens Avenue), along said border to Woodview Road, along said road to Hempstead Avenue, along said avenue to the Long Island Rail Road, along said railroad to Birch Street, along said street to Woodfield Road, along said road southerly to the Southern State Parkway, along said packway to the Long Island Rail Road, along said railroad to the village of Malverne border, along said border to Pinebrook Avenue, along said avenue to Ocean Avenue, along said avenue to Rider avenue, along said avenue to Cambridge Street, along said street to Wicks Lane, along said lane to Cedar Road, along said road to Hansen Place, along said place to Rider Avenue, along said avenue to Franklin Avenue, along said avenue to the Long Island Rail Road, along said railroad to where lt meets the Valley Stream Village border, along said border to the Nassau/Queens county line, the point of beginning.

23. Twenty-third district. That part of the county of Queens bounded by a line described as follows: Beginning at point where Woodhaven Boulevard intersects Rockaway Boulevard, northerly along Woodhaven Boulevard to 97th Avenue, along said avenue to 94th Street, along said street to Atlantic Avenue, along said avenue to 92nd Street, along said street to 91st Avenue, along said avenue to Woodhaven Boulevard, along said boulevard to 89th Avenue, along said avenue to 90th Street, along said street to 88th Avenue, along said avenue to 89th Street, along said street to 89th Avenue, along said avenue to 86th Street, along said street to 91st Avenue, along said avenue to 84th Street, along said street to 90th Road, along said road to 78th Street, along said street to Atlantic Avenue, along said avenue to the Queens/Brooklyn county line, southerly and westerly along said county line to a point where lt reaches .the

Atlantic Ocean, thence easterly along said line to Queens/Nassau county line, northerly from the point where It intersects Brunswick Avenue, along said avenue to Beach 12th Street, along said street Augustina Avenue, along said avenue to Minton Street, along said street to Central Avenue, along said avenue to Foam Place, along said place to Beach 18th Street, along said street to Mott Avenue, along said avenue to Cornaga Avenue, along said avenue to Beach 9th Street, along said street to Hicksville Road, along said road to Beach 8th Street extended, along said street extended to Lanett Avenue, along said avenue to Beach 7th Street, along said street to Seagirt Boulevard, along said boulevard to Beach 9th Street, along said street to Meehan Avenue, along said avenue to Beach 12th Street, along said street to Heyson Road, along said road to Beach 16th Street extended, along said street extended to Seagirt Boulevard, along said boulevard to Crest Road, along said road to the Boardwalk, along said boardwalk to Beach 29th Street, along said street to Lewmay Road, along said road to Beach 32nd Street, along said street to Seagirt Boulevard, along said boulevard to Rockaway Freeway, along said freeway to Beach 32nd Street, along said street to Dwight Avenue, along said avenue to Hartman Lane, along said lane to Bessemund Avenue, along said avenue to Beach 25th Street, along said street to Ocean Crest Boulevard, along said boulevard to Dickens Street, along said street to Cornaga Avenue, along said avenue to Rockaway Freeway, along said freeway to McBride Street, along said street to Mott Avenue, along said avenue to Beacon Place extended, along said place extended to Mott Basin, southerly along said shoreline to the point where the Rockaway Freeway, Beach Channel Drive, and Beach 35th Street meet, along Rockaway Freeway to Beach 38th Street, along said street to Shorefront Parkway, along said parkway to Beach 44th Street, along said street to Rockaway Beach Boulevard, along said boulevard to Beach 48th Street, along said street to Beach Channel

Drive, along said drive to Beach 54th street, along said street to Rockaway Beach Boulevard, along said boulevard to Beach 56th Place, along said place to the Boardwalk, along said boardwalk to Beach 62nd Street, along said street to Larkin Avenue, which becomes Rockaway Beach Boulevard, along said boulevard to Beach 84th Street, along said street to Holland Avenue, along said avenue to Beach 90th Street, along said street to the Rockaway Freeway, along said freeway to a line extended northerly to the New York City Transit Authority Railroad tracks (Far Rockaway Line), along said tracks to a point in the center of Search Channel, thence easterly from said point along a line extended through the center of Beach Channel to a point where lt intersects a line extended from the center Vernam Basin, thence northerly from said point through the centers of: Vernam Basin, Broad Channel and Jackson Hole Creek to a point in the center of Grassy Bay thence westerly from said point on a line extended to the New York City Transit Authority Railroad tracks (Far Rockaway Line), thence northerly to the point where the railroad intersects Southern Parkway, along said parkway to Cohancy Street, along said street to North Conduit Avenue, along said avenue to 114th Street, along said street to 135th Avenue, along said avenue to 115th Street, along said street to 133rd Avenue, along said avenue to Lefferts Boulevard, along said boulevard to Linden Boulevard, along said boulevard to 118th Street, along said street to 111th Avenue, along said avenue to Lefferts Boulevard, along said boulevard to 107th Avenue, along said avenue to 124th Street, along said street to 103rd Avenue, along said avenue to 123rd Street, along said street to 101st Avenue, along said avenue to 118th Street, along said street to 97th Avenue, along said avenue to 117th Street, along said street to 101st Avenue, along said avenue to 116th Street, along said street to 103rd Avenue, along said avenue to 114th Street, along said street to Rockaway Boulevard, along said boulevard to 107th Street, along said street to 109th

Avenue, along said avenue to Rockaway Boulevard, along said boulevard to where it intersects Woodhaven Boulevard, the point of beginning.

24. Twenty-fourth district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where Northern Boulevard intersects Utopia Parkway, easterly along said boulevard to 195th Street, along said street to 45th Avenue, along said avenue to Francis Lewis Boulevard, along said boulevard to Rocky Hill Road, along said road to 203rd Street, along said street to 48th Avenue, along said avenue to Clearview Expressway, along said expressway to 48th Avenue, along said avenue to Bell Boulevard, along said boulevard to 47th Avenue, along said avenue to 219th Street, along said street to 46th Avenue, along said avenue to 223rd Street, along said street to Northern Boulevard, along said boulevard to 248th Street, along said street to Long Island Expressway service road north, along said service road to Marathon Parkway, along said parkway to the Long Island Expressway service toad south, along said service road to 251st Street, along said street to 57th Avenue, along said avenue to 254th Street, along said street to 58th Avenue, along said avenue to the Little Neck Parkway, along said parkway to the Grand Central Parkway, along said parkway to 267th Street, along said street to 73rd Avenue, along said avenue to 263rd Street, along said street to 79th Avenue, along said avenue to the Queens-Nassau County line, along said line to the Little Neck Parkway, along said parkway to 82nd Road, along said road to 252nd Street, along said street to 82nd Avenue, along said avenue to Commonwealth Boulevard, along said boulevard to Hillside Avenue, along said avenue to 235th Court, along said court to 87th Avenue, along said avenue to Winchester Boulevard, along said boulevard to Braddock Avenue, along said avenue to Hillside Avenue, along said avenue to the Clearview Expressway Ramp, along said ramp to the Clearview

Expressway, along said expressway to Grand Central Parkway, along said parkway to Francis Lewis Boulevard, along said boulevard to Hillside Avenue, along said avenue to 184th Street, along said street to Wexford Terrace, along said terrace to Kingston Place along said place to Cedarcroft Road, along said road to Homelawn Street, along said street to 173rd Street, along said street to Grand Central Parkway, along said parkway to 168th Street, along said street to 75th Avenue, along said avenue to Utopia Parkway, along said parkway to Long Island Expressway, along said expressway to Fresh Meadow Lane, along said lane to Auburndale Lane, along said lane to 45th Avenue, along said avenue to Utopia Parkway, along said parkway to a point where Northern Boulevard intersects Utopia Parkway, the point of beginning.

25. Twenty-fifth district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where Whitestone Expressway intersects Linden Place, thence southerly along said place to 31st Road, along said road to 137th Street, along said street to 32nd Avenue. along said avenue to 140th Street, along said street to 31st Drive, along said drive to Union Street, along said street to 29th Avenue, along said avenue to Parsons Boulevard, along said boulevard to 28th Avenue, along said avenue to 146th Street, along said street to 29th Avenue, along said avenue to 148th Street, along said street to Bayside Avenue, along said avenue to the eastern border of Memorial Field Park, along said border to 25th Avenue, along said avenue to 150th Street, along said street to 23rd Avenue, along said avenue to Willets Point Boulevard, along said boulevard to 154th Street, along said street to 23rd Avenue, along said avenue to 166th Street, along said street to 24th Avenue, along said avenue to 163rd Street, along said street to 24th Road, along said road to Francis Lewis Boulevard, along said boulevard to Bayside Lane, along said lane to 27th

Avenue, along said avenue to 166th Street, along said street to Crocheron Avenue, along said avenue to 162nd Street, along said street to Northern Boulevard, along said boulevard to Depot Road, along said road to 164th Street, along said street to Station Road, along said road to 166th Street, along said street to its intersection with Sanford Avenue, Northern Boulevard and 166th Street, along Sanford Avenue to 164th Street, along said street to 43rd Avenue, along said avenue to 163rd Street, along said street to 46th Avenue, along said avenue to 162nd Street, along said street to Laburnum Avenue, along said avenue to 161st Street, along said street to Oak Avenue, along said avenue to Rose Avenue, along said avenue to Kissena Boulevard, along said boulevard to Booth Memorial Avenue, along said avenue to Parsons Boulevard, along said boulevard to 59th Avenue, along said avenue to 155th Street, along said street to the Long Island Expressway Service Road, along said road to Rissena Boulevard, along said boulevard to the Long Island Expressway Service Road, along said service road to Reeves Avenue, along said avenue to 61st Road, along said road to 146th Street, along said street to the Long Island Expressway Service Road, along said service road to Main Street, along said street to 62nd Avenue, along said avenue to 138th Street, along said street to the Long Island Expressway Service Road, along said service road to 135th Street, along said street to 61st Road, along said road to College Point Boulevard, along said boulevard to the Long Island Expressway, along said expressway to the Van Wyck Expressway, along said expressway to the Whitestone Expressway, along said expressway to a point where Linden Place intersects Whitestone Expressway, the point of beginning.

26. Twenty-sixth district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where 189th Street intersects Northern Boulevard, easterly along said boulevard to 195th Street, along said street to 45th Avenue, along said

avenue to Francis Lewis Boulevard, along said boulevard to Rocky Hill Road, along said road to 203rd Street, along said street to 48th Avenue, along said avenue to Clearview Expressway, along said expressway to 48th Avenue, along said avenue to Bell Boulevard, along said boulevard to 40th Avenue, along said avenue to 219th Street, along said street to 46th Avenue, along said avenue to 223rd Street along said street to Northern Boulevard, along said boulevard to 248th Street, along said street to Long Island Expressway service road north, along said service road to Marathon Parkway, along said parkway to the Long Island Expressway service road south, along said service road to 251st Street, along said street to 57th Avenue, along said avenue to 254th Street, along said street to 58th Avenue, along said avenue to the Little Neck Parkway, along said parkway to the Grand Central Parkway, along said parkway to 267th Street, along said street to 73rd Avenue, along said avenue to 263rd Street, along said street to 79th Avenue, along said avenue to the Nassau-Queens County line, along said line to the Queens/Bronx County Line, along said line to the Bronx Whitestone Bridge, along said bridge to Powell's Cove, following the coast of said cove to a line extended from 138th Street, along said extension to 138th Street, along said street to 11th Avenue, along said avenue to 138th Street, along said street to 13th Avenue, along said avenue to 139th Street, along said street to 14th Avenue, along said avenue to 140th Street, along said street to 13th Avenue, along said avenue to 142nd Street, along said street to 14th Avenue, along said avenue to the Whitestone Expressway, along said expressway to 20th Avenue, along said avenue to the Whitestone Expressway Service road east, along said service road to Linden Place, along said place to 31st Road, along said road to 137th Street, along said street to 32nd Avenue, along said avenue to 140th Street, along said street to 31st Drive, along said drive to Union Street, along said street to 29th Avenue, along said avenue to Parsons Boulevard, along said

boulevard to 28th Avenue, along said avenue to 146th Street, along said street to 29th Avenue, along said avenue to 148th Street, along said street to Bayside Avenue, along said avenue to the eastern border of Memorial Field Park, along said border to 25th Avenue, along said avenue to 150th Street, along said street to 23rd Avenue, along said avenue to Willets Point Boulevard, along said boulevard to 154th Street, along said street to 23rd Avenue, along said avenue to 166th Street, along said street to 24th Avenue, along said avenue to 163rd Street, along said street to 24th Road, along said road to Francis Lewis Boulevard, along said boulevard to Bayside Lane, along said lane to 27th Avenue, along said avenue to 166th Street, along said street to Crocheron Avenue, along said avenue to 162nd Street, along said street to Northern Boulevard, along said boulevard to Depot Road, along said road to 164th Street, along said street to the center of the Long Island Rail Road tracks, along said tracks to Utopia Parkway, along said parkway to Station Road, along said road to 189th Street, along said street to a point where Northern Boulevard intersects 189th Street, the point of beginning.

27. Twenty-seventh district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where the Queens county line intersects the Bronx Whitestone Bridge, along said bridge to Powell's Cove, following the coast of said cove to a line extended to 138th Street, along said street to 11th Avenue, along said avenue to 138th Street, along said street to 13th Avenue, along said avenue to 139th Street, along said street to 14th Avenue, along said avenue to 140th Street, along said street to 13th Avenue, along said avenue to 142nd Street, along said street to 14th Avenue, along said avenue to the Whitestone Expressway, along said expressway to 20%h Avenue, along said avenue to the Whitestone Expressway Service Road East, along said road to Linden Place, along said place to the Whitestone Expressway, along said

expressway to the Van Wyck Expressway, along said expressway to the Long Island Expressway, along said expressway to College Point Boulevard, along said boulevard to 61st Road, along said road to 135th Street, along said street to the Long Island Expressway Service Road, along said road to 138th Street, along said street to 62nd Avenue, along said avenue to Main Street, along said street to the Long Island Expressway Service Road, along said road to 146th Street, along said street to 61st Road, along said road to Reeves Avenue, along said avenue to the Long Island Expressway Service Road, along said road to Kissena Boulevard, along said boulevard to the Long Island Expressway Service Road North, along said road to 155th Street, along said street to 59th Avenue, along said avenue to Parsons Boulevard, along said boulevard to Booth Memorial Avenue, along said avenue to Kissena Boulevard, along said boulevard to Rose Avenue, along said avenue to Oak Avenue, along said avenue to 161st Street, along said street to Laburnum Avenue, along said avenue to 162nd Street, along said street to 46th Avenue, along said avenue to 163rd Street, along said street to 43rd Avenue, along said avenue to 164th Street, along said street to Sanford Avenue, along said avenue to the intersection of Sanford Avenue/ Northern Boulevard and 166th Street, along 166th Street to Station Road, along said road to 164th Street, along said street to the center of the Long Island Rail Road tracks, along said tracks to Utopia Parkway, along said parkway to Station Road, along said road to 189th Street, along said street to Northern Boulevard, along said boulevard to Utopia Parkway, along said parkway to 45th Avenue, along said avenue to Auburndale Lane, along said lane to Fresh Meadow Lane, along said lane to the Long Island Expressway, along said expressway to Utopia Parkway, along said parkway to 75th Avenue, along said avenue to 168th Street, along said street to the Grand Central Parkway Service Road, along said road to 161st Street, along said street to 84th Road, along said road to 160th Street,

along said street to Normal Road, along said road to Parsons Boulevard, along said boulevard to 87th Avenue, along said avenue to 150th Street, along said street to 87th Road, along said road to 148th Street, along said street to 87th Avenue, along said avenue to 144th Street, along said street to 87th Avenue, along said avenue to 143rd Street, along said street to 86th Road, along said road to 139th Street, along said street to 86th Avenue, along said avenue to the Van Wyck Expressway Service Road, along said road to Hillside Avenue, along said avenue to the Van Wyck Expressway Service Road, along said road to 87th Avenue, along said avenue to 135th Street, along said street to Hillside Avenue, along said avenue to Metropolitan Avenue, along said avenue to 127th Street, along said street to Austin Street, along said street to Lefferts Boulevard, along said boulevard to 83rd Avenue, along said avenue to Metropolitan Avenue, along said avenue to Union Turnpike, along said turnpike to Greenway South, along Greenway South to 78th Avenue, along said avenue to Greenway North, along Greenway north to Union Turnpike, along said turnpike to Park Lane, along said lane to Quentin Street, along said street to Burns Street, along said street to Union Turnpike, along said turnpike to Queens Boulevard, along said boulevard to 78th Crescent, along said crescent to 113th Place, along said place to 69th Road, along said road to Grand Central Parkway, along said parkway to Northern Boulevard, along said boulevard to Astoria Boulevard, along said boulevard to the Grand Central Parkway, along said parkway to 102nd Street, along said street to the border of LaGuardia Airport, easterly along said border to the waterways of the Flushing Bay, along said waterways to a line extended to the Queens county border, along said border to the Bronx Whitestone Bridge, the point of beginning.

28. Twenty-eighth district. That part of the county of Queens bounded by a line described as follows:

Beginning at a point where Woodhaven Boulevard intersects with the Long Island Expressway Ramp, along said ramp to Elliot Avenue, along said avenue to the Long Island Expressway Entrance Ramp, along said ramp to the Long Island Expressway, along said expressway to 102nd Street, along said street to 62nd Avenue, along said avenue to Yellowstone Boulevard, along said boulevard to 62nd Drive, along said drive to 108th Street, along said street to 62nd Avenue, along said avenue to Colonial Avenue, along said avenue to the Long Island Expressway, along said expressway to the Grand Central Parkway, along said parkway to 69th Road, along said road to 113th Place, along said place to 78th Crescent, along said crescent to Queens Boulevard, along said boulevard to Union Turnpike, along said turnpike to Burns Street, along said street to Quentin Street, along said street to Park Lane, along said lane to Union Turnpike, along said turnpike to Greenway North, along Greenway North to 78th Avenue, along said avenue to Greenway South, along Greenway South to Union Turnpike, along said turnpike to the Long Island Rail Road right-of-way, along said right-of-way to 88th Street, along said street to 77th Avenue, along said avenue to 80th Street, along said street to the Long Island Rail Road right-of-way, along said right-of-way to 79th Place, along said place to 71st Avenue, along said avenue to 80th Street, along said street to Cooper Avenue, along said avenue to 78th Street, along said street to 66th Drive, along said drive to Gray Street, along said street to Juniper Valley Road, along said road to 74th Street, along said street to Juniper Boulevard South, along said boulevard to 71st Street, along said street to Elliot Avenue, along said avenue to 75th Street, along said street to New York Central Railroad, along said railroad to Elliot Avenue, along said avenue to 79th Street, along said avenue to Dry Harbor Road, along said road to Woodhaven Boulevard, along said boulevard to Long Island Expressway Ramp, the point of beginning.

29. Twenty-ninth district. That part of the county of Queens bounded by a line described as follows: Beginning at the point where Huxley Street intersects the Queens/Nassau border, northerly along said street to 147th Avenue, along said avenue to Edgewood Avenue, along said avenue to 146th Avenue, along said avenue to Brookville Boulevard, along said boulevard to the Belt Parkway, along said parkway to Laurelton Parkway, along said parkway to North Conduit Avenue, along said avenue to 230th Place, along said place to Mentone Avenue, along said avenue to 226th Street, along said street to 139th Avenue, along said avenue to 223rd Street, along said street to 138th Avenue, along said avenue to Carson Street, along said street to Springfield Boulevard, along said boulevard to Eastgate Plaza, along said plaza to Sellnapp Street, along said street to Southgate Street, along said street to 11Oth Avenue, along said avenue to Edgewood Avenue, along said avenue to Farmers Boulevard, along said boulevard to Bedell Street, along said street to Balsley Boulevard, along said boulevard to 161st Place, along said place to 122nd Avenue, along said avenue to Guy R. Brewer Boulevard, along said boulevard to 110th Avenue, along said avenue to 169th Place, along said place to Merrick Boulevard, along said boulevard to 105th Avenue, along said avenue to 169th Street, along said street to 104th Avenue, along said avenue to Merrick Boulevard, along said boulevard to South Road, along said toad to Guy R. Brewer Boulevard, along said boulevard to 163rd Street, along said street to Hillside Avenue, along said avenue to Parsons Boulevard, along said boulevard to Normal Road, along said toad to 160th Street, along said street to 84th Road, along said road to 161st Street, along said street to the Grand Central Parkway, along said parkway to 173rd Street, along said street to Homelawn Street, along said street to Cedarcroft Road, along said road to Ringston Place, along said place to Wexford Terrace, along said terrace to 184th Street, along said street to Hillside Avenue, along said avenue to 201st Street, along

said street to 90th Avenue, along said avenue to 199th Street, along said street to 93rd Avenue, along said avenue to Jamaica Avenue, along said avenue to Carpenter Avenue, along said avenue to 197th Street, along said street to the P A Railroad tracks, along said tracks to 195th Street extended, along said street extended to 99th Avenue, along said avenue to Farmers Boulevard, along said boulevard to Henderson Avenue, along said avenue to the western border of Public Park, along said border to Liberty Avenue, along said avenue to Dunkirk Street, along said street to Newburg Street, along said street to Linden Boulevard, along said boulevard to the P A Railroad, along said railroad to Balsley Boulevard, along said boulevard to Everett Place, along said place to Linden Boulevard, along said boulevard to Farmers Boulevard, along said boulevard to 117th Road, along said road to 190th Street, along said street to Linden Boulevard, along said boulevard to 196th Street, along said street to 116th Road, along said road to 196th Street, along said street to 116th Avenue, along said avenue to 198th Street, along said street to Linden boulevard, along said boulevard to 198th Street, along said street to 118th Avenue, along said avenue to 195th Street, along said street to 119th Avenue, along said avenue to 196th Street, along said street to 120th Avenue, along said avenue to 196th Street, along said street to 122nd Avenue, along said avenue to 119th Street, along said street to Springfield Boulevard, along said boulevard to 122nd Avenue, along said avenue to Nashville Boulevard, along said boulevard to 121st Avenue, along said avenue to the Queens/Nassau border, southerly along said border to Huxley Street, the point of beginning.

30. Thirtieth district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where the Grand Central Parkway intersects with 82nd Street, along said street to 23rd Avenue, along said avenue to 81st Street, along said

street to 30th Avenue, along said avenue to 80th Street, along said street to 31st Avenue, along said avenue to 76th Street, along said street to 32nd Avenue, along said avenue to 74th Street, along said street to Northern Boulevard, along said boulevard to 76th Street, along said street to 34th Avenue, along said avenue to 81st Street, along said street to Northern Boulevard, along said boulevard to 83rd Street, along said street to 37th Avenue, along said avenue to 76th Street, along said street to 35th Avenue, along said avenue to 72nd Street, along said street to 37th Avenue, along said avenue to 61st Street, along said street to Woodside Avenue, along said avenue to Hicks Drive, along said drive to 64th Street, along said street to Queens Boulevard, along said boulevard to 65th Place, along said place to P A Railroad right-of-way, along said right-of-way to Queens Boulevard, along said boulevard to Brooklyn-Queens Expressway ramp, along said ramp to the Brooklyn-Queens Expressway, along said expressway to the P A Railroad right-of-way, along said right-of-way to the New York Central Railroad, along said railroad to the P A Railroad right-of-way, along said right-of-way to Barnwell Avenue, along said avenue to Queens Boulevard, along said boulevard to Grand Avenue, along said avenue to Seabury Street, along said street to a line extended to the Long Island Expressway, along said expressway to P A Railroad right-of-way, along said right-of-way to a point, from said point along a line extended to 85th Street, along said street to 60th Avenue, along said avenue to 86th Street, along said street to Woodhaven Boulevard, along said boulevard to Dry Harbot Road, along said road to 62nd Avenue, along said avenue to 79th Street, along said street to Eliot Avenue, along said avenue to 75th Street, along said street to New York Central Railroad, along said railroad to Elliot Avenue, along said avenue to 68th Street, along said street to Caldwell Avenue, along said avenue to Brown Place, along said place to 58th Avenue, along said avenue to a line extended into the north

portion of Mt. Olivet Cemetery, along said cemetery to Flushing Avenue, along said avenue to 60th Lane, along said lane to 59th Avenue, along said avenue to 60th Place, along said place to Flushing Avenue, along said avenue to Rust Street, along said street to Grand Avenue, along said avenue to 57th Street, along said street to Flushing Avenue, along said avenue to 56th Street, along said street to Grand Avenue, along said avenue to Page Place, along said place to Maspeth Avenue, along said avenue to Rust Street, along said street to 56th Road, along said road to 50th Street, along said street to 55th Road, along said road to 48th Street, along said street to 55th Avenue, along said avenue to 46th Street, along said street to 54th Road, along said road to 44th Street, along said street to 54th Avenue, along said avenue to 50th Street, along said street to a line extending to 53rd Avenue, along said avenue to 48th Street, along said street to the Long Island Expressway Ramps, along said ramps to 46th Street, along said street to Laurel Hill Boulevard, along said boulevard to 45th Street, along said street to 50th Avenue, along said avenue to 48th Street, along said street to Borden Avenue, along said avenue to 49th Street, along said street to 47th Avenue, along said avenue to 50th Street, along said street to Queens Boulevard, along said boulevard to 53rd Street, along said street to Skillman Avenue, along said avenue to 51st Street, along said street to 39th Avenue, along said avenue to 48th Street, along said street to Barnett Avenue, along said avenue to 43rd Street, along said street to 43rd Avenue, along said avenue to 40th Street, along said street to Skillman Avenue, along said avenue to 39th Street, along said street to Northern Boulevard, along said boulevard to 37th Street, along said street to 37th Avenue, along said avenue to 35th Street, along said street to 36th Avenue, along said avenue to 32nd Street, along said street to 38th Avenue, along said avenue to 30th Street, along said street to 40th Avenue, along said avenue to 27th Street, along said street to 38th Avenue, along said

avenue to 28th Street, along said street to 36th Avenue, along said avenue to 30th Street, along said street to 35th Avenue, along said avenue to 29th Street, along said street to 34th Avenue, along said avenue to 30th Street, along said street to Broadway, along Broadway to 33rd Street, along said street to 35th Avenue, along said avenue to 41st Street, along said street to 34th Avenue, along said avenue to 44th Street, along said street to Northern Boulevard, along said boulevard to 45th Street, along said street to 34th Avenue, along said avenue to 47th Street, along said street to Broadway, along Broadway to Newtown Road, along said road to 48th Street, along said street to 31st Avenue, along said avenue to 47th Street, along said street to 30th Avenue, along said avenue to 57th Street, along said street to 31st Avenue, along said avenue to the Brooklyn-Queens Expressway Ramp, along said ramp to 49th Street, along said street to the Grand Central Parkway, along said parkway to 82nd Street, the point of beginning.

31. Thirty-first district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where 124th Street intersects 101st Avenue, along said avenue to the Van Wyck Expressway service road southbound, along said expressway service road to 102nd Avenue, along said avenue to 135th Street, along said street to 103rd Avenue (Liberty Avenue), along said avenue to 133rd Street, along said street to 107th Avenue, along said avenue to 135th Street, along said street to 109th Avenue, along said avenue to 134th Street, along said street to 111th Avenue, along said avenue to 133rd Street, along said street to Linden Boulevard, along said boulevard to the Van Wyck expressway, along said expressway to Rockaway Boulevard, along said boulevard to 142nd Street, along said street to North Conduit Avenue, along said avenue to 155th Street, along said street to 140th Avenue, along said avenue to Guy R. Brewer Boulevard, along said boulevard to 137th Avenue, along said avenue

to Farmers Boulevard, along said boulevard to Long Island Rail Road Southern Branch, along said railroad tracks to 140th Avenue, along said avenue to a point where lt intersects Southgate Street and 139th Avenue, along 139th Avenue to Belknapp Street, along said street to 137th Avenue, along said avenue to Springfield Boulevard, along said boulevard to Carson Street, along said street to 138th Avenue, along said avenue to 223rd Street, along said street to 139th Avenue, along said avenue to 226th Street, along said street to Mentone Street, along said street to 230th Place, along said place to North Conduit Avenue, along said avenue to Laurelton Parkway, along said parkway to Sunrise Highway, along said highway to Brookville Boulevard, along said boulevard to 146th Avenue, along said avenue to Edgewood Street, along said street to 147th Avenue, along said avenue to Huxley Street. along said street to the Queens/Nassau county border, southerly along said border to Brunswick Avenue, along said avenue to Beach 12th Street, along said street to Augustina Avenue, along said avenue to Minton Street, along said street to Central Avenue, along said avenue to Foam Place, along said place to Beach 18th Street, along said street to Mott Avenue, along said avenue to Cornaga Avenue, along said avenue to Beach 9th Street, along said street to Hicksville Road, along said road to Beach 8th Street extended, along sáid street extended to Lanett Avenue, along said avenue to Beach 7th Street, along said street to Seagirt Boulevard, along saíd boulevard to Beach 9th Street, along saịd street to Meehan Avenue, along said avenue to Beach 12th Street, along said street to Heyson Road, along said road to Beach 16th Street extended, along said street extended to Seagirt Boulevard, along said boulevard to Crest Road, along said road to the Boardwalk, along said boardwalk to Beach 29th Street, along said street to Lewmay Road, along said road to Beach 32nd Street, along said street to Seagirt Boulevard, along said boulevard to Rockaway Freeway, along said Freeway to Beach 32nd Street,

along said street to Dwight Avenue, along said avenue to Hartman Lane, along said lane to Bessemund Avenue, along said avenue to Beach 25th Street, along said street to Ocean Crest Boulevard, along said boulevard to Dickens Street, along said street to Cornaga Avenue, along said avenue to Rockaway Freeway, along said freeway to McBride Street, along said street to Mott Avenue, along said avenue to Beacon Place extended, along said place extended to the shoreline, southerly along said shoreline to the point where the Rockaway Freeway, Beach Channel Drive and Beach 35th Street meet, along Rockaway Freeway to Beach 38th Street, along said street to Shorefront Parkway, along said parkway to Beach 44th Street, along said street to Rockaway Beach Boulevard, along said boulevard to Beach 48th Street, along said street to Beach Channel Drive, along said drive to Beach 54th Street, along said street to Rockaway Beach Boulevard, along said boulevard to Beach 56th Place, along said place to the Boardwalk, along said boardwalk to Beach 62nd Street, along said street to Larkin Avenue, which becomes Rockaway Beach Boulevard, along said boulevard to Beach 84th Street, along said street to Holland Avenue, along said avenue to Beach 90th Street, along said street to the Rockaway Freeway, along said freeway to a line extended northerly to the New York City Transit Authority Railroad (Far Rockaway Line), along said railroad to a point. in the center of Beach Channel, thence easterly from said point along a line extended through the center of Beach Channel to a point where lt intersects a line extended from the center of Vernam Basin, thence northerly from said point through the centers of: Vernam Basin, Broad Channel and Jackson Hole Creek to a point in the center of Grassy Bay, thence westerly from said point on a line extended to the New York City Transit Authority Railroad (Far Rockaway Line), thence northerly to the point where the railroad intersects Southern Parkway, along said parkway to Cohancy Street, along said street

to North Conduit Avenue, along said avenue to 114th Street, along said street to 135th Avenue, along said avenue to 115th Street, along said street to 133rd Avenue, along said avenue to Lefferts Boulevard, along said boulevard to Linden Boulevard, along said boulevard to 118th Street, along said street to 111th Avenue, along said avenue to Lefferts Boulevard, along said boulevard to 107th Avenue, along said avenue to 124th Street, along said street to 101st Avenue, the point of beginning.

32. Thirty-second district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where 124th Street intersects 103rd Avenue, along said avenue to 101st Avenue, along said avenue to the Van Wyck Expressway service road south, along said expressway service road to 102nd Avenue, along said avenue to 135th Street, along said street to 103rd Avenue (Liberty Avenue), along said avenue to 133rd Street, along said street to 107th Avenue, along said avenue to 135th Street, along said street to 109th Avenue, along said avenue to 134th Street, along said street to 111th Avenue, along said avenue to 133rd Street, along said street to Linden Boulevard, along said boulevard to the Van Wyck Expressway, along said expressway to Rockaway Boulevard, along said boulevard to 142nd Street, along said street to North Conduit Avenue, along said avenue to 155th Street, along said street to 140th Avenue, along said avenue to Guy R. Brewer Boulevard, along said boulevard to 137th Avenue, along said avenue to Farmers Boulevard, along said boulevard to Bedell Street, along said street to Baisley Boulevard, along said boulevard to 161st Place, along said place to 122nd Avenue, along said avenue to Guy R. Brewer Boulevard, along said boulevard to 110th Avenue, along said avenue to 169th Place, along said place to Merrick Boulevard, along said boulevard to 105th Avenue, along said avenue to 169th Street, along said street to 104th Avenue, along said avenue to

Merrick Boulevard, along said boulevard to South Road, along said road to Guy R. Brewer Boulevard, along said boulevard to 163rd Street, along said street to Hillside Avenue, along said avenue to Parsons Boulevard, along said boulevard to 87th Avenue, along said avenue to 150th Street, along said street to 87th Road, along said road to 148th Street, along said street to 87th Avenue, along said avenue to 144th Street, along said street to 87th Avenue, along said avenue to 143rd Street, along said street to 86th Road, along said road to 139th Street, along said street to 86th Avenue, along said avenue to the Van Wyck Expressway service road, along said service road to Hillside Avenue, along said avenue to the Van Wyck Expressway service road, along said service road to 87th Avenue, along said avenue to 135th Street, along said street to Hillside Avenue, along said avenue to Metropolitan Avenue, along said avenue to 127th Street,along said street to Austin Street, along said street to Leiferts Boulevard, along said boulevard to 83rd Avenue, along said avenue to Metropolitan Avenue, along said avenue to 127th Street, along said avenue to Park Lane South, along said lane to 112th Street, along said street to 84th Avenue, along said avenue to 118th Street, along said street to 85th Avenue, along said avenue to Lefferts Boulevard, along said boulevard to Jamaica Avenue, along said avenue to 115th Street, along said street to Atlantic Avenue, along said avenue to 114th Street, along said street to 103rd Avenue, along said avenue to 116th Street, along said street to 101st Avenue, along said avenue to 117th Street, along said street to 97th Avenue, along said avenue to 118th Street, along said street to 101st Avenue, along said avenue to 123rd Street, along said street to 103rd Avenue, along said avenue to its intersection with 124th Street, the point of beginning.

33. Thirty-third district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where 201st Street intersects

Hillside Avenue, along said avenue to Francis Lewis Boulevard, along said boulevard to the Grand Central Parkway, along said parkway to the Clearview Expressway, along said expressway to the Clearview Expressway Ramp, along said ramp to Hillside Avenue, along said avenue to Braddock Avenue, along said avenue to Winchester Boulevard, along said boulevard to 87th Avenue, along said avenue to 235th Court, along said court to Hillside Avenue, along said avenue to Commonwealth Boulevard, along said boulevard to 82nd Avenue, along said avenue to 252nd Street, along said street to 82nd Road, along said road to Little Neck Parkway, along said parkway to the Queens County line, along said county line to the point where 121st Avenue intersects such county line, along said avenue to Nashville Boulevard, along said boulevard to 122nd Avenue, along said avenue to Springfield Boulevard, along said boulevard to 197th Street, along said street to 122nd Avenue, along said avenue to 196th Street, along said street to 120th Avenue, along said avenue to 196th Street, along said street to 119th Avenue, along said avenue to 195th Street, along said street to 118th Avenue, along said avenue to 198th Street, along said street to Linden Boulevard, along said boulevard to 198th Street, along said street to 116th Avenue, along said avenue to 196th Street, along said street to 116th Road, along said road to 196th Street, along said street to Linden Boulevard, along said boulevard to 190th Street, along said street to 117th Road, along said road to Farmers Boulevard, along said boulevard to Linden Boulevard, along said boulevard to Everett Place, along said place to Baisley Boulevard, along said boulevard to P A Railroad right-of-way, along said right-of-way to Linden Boulevard, along said boulevard to Newburg Street, along said street to Dunkirk Street, along said street to Liberty Avenue, along said avenue to the western border of Public Park, along said border to Henderson Avenue, along said avenue to Farmers Boulevard, along said boulevard to 99th Avenue, along

said avenue to 195th Street extended, along said street extended to P A Railroad right-of-way, along said right-of-way to 197th Street, along said street to Carpenter Avenue, along said avenue to Jamaica Avenue, along said avenue to 93rd Avenue, along said avenue to 199th Street, along said street to 90th Avenue, along said avenue to 201st Street, along said street to Hillside Avenue, the point of beginning.

34. Thirty-fourth district. That part of the county of Queens bounded by a line describe as follow: Beginning at a point where 82nd Street intersects Astoria Boulevard, south along said boulevard to 83rd Street, along said street to 23rd Avenue, along said avenue to 85th Street, along said street to Astoria Boulevard South, along said boulevard to 94th Street, along said street to its intersection with Junction Boulevard, along said boulevard to 34th Avenue, along said avenue to 97th Street, along said street to 35th Avenue, along said avenue to 104th Street, along said street to 37th Avenue, along said avenue to 108th Street, along said street to 36th Avenue, along said avenue to 109th Street, along said street to 37th Avenue, along said avenue to 112th Street, along said street to 38th Avenue, along said avenue to 111th Street, along said street to 46th Avenue, along said avenue to 108th Street, along said street to 48th Avenue, along said avenue to 111th Street, along said street to 56th Avenue, along said avenue to Corona Avenue, along said avenue to Westside Avenue, along said avenue to Van Cleef Street, along said street to Otis Avenue, along said avenue to 108th Street, along said street to Van Doren Street, along said street to Westside Avenue, along said avenue to Penrod Street, along said street to Otis Avenue, along said avenue to Granger Street, along said street to 57th Avenue, along said avenue to 101st Street, along said street to Radcliff Avenue, along said avenue to 102nd Street, along said street to Christie Avenue, along said avenue to 99th Street, along said street to

50th Avenue, along said avenue to 93rd Street, along said street to Corona Avenue, along said avenue to 91st Place, along said place to 43rd Avenue, along said avenue to Ithaca Street, along said street to Baxter Avenue, along said avenue to Hampton Street, along said street to Britton Avenue, along said avenue to Farley Street, along said street to Roosevelt Avenue, along said avenue to 77th Street, along said street to 37th Road, along said road to 73rd Street, along said street to 37th Avenue, along said avenue to 72nd Street, along said street to 35th Avenue, along said avenue to 76th Street, along said street to 37th Avenue, along said avenue to 83rd Street, along said street to Northern Boulevard, along said boulevard to 81st Street, along said street to 34th Avenue, along said avenue to 76th Street, along said street to Northern Boulevard, along said boulevard to 74th Street, along said street to 32nd Avenue, along said avenue to 76th Street, along said street to 31st Avenue, along said avenue to 80th Street, along said street to 30th Avenue, along said avenue to 81st Street, along said street to 23rd Avenue, along said avenue to 82nd Street, along said street to Astoria Boulevard, the point of beginning.

35. Thirty-fifth district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where the Rikers Island Bridge intersects the Queens County border along said bridge to the westerly shores of Bowery Bay, along said shores to 19th Avenue, along said avenue to 81st Street, along said street to Astoria Boulevard North, along said boulevard to 82nd Street, along said street to Astoria Boulevard South, along said Boulevard to 83rd Street, along said street to 23rd Avenue, along said avenue to 35th Street, along said street to Astoria Boulevard South, along said boulevard to 94th Street, along said street to Junction Boulevard, along said boulevard to 34th Avenue, along said avenue to 97th Street, along said street to 35th Avenue, along said avenue to 104th

Street, along said street to 37th Avenue, along said avenue to 108th Street, along said street to 36th Avenue, along said avenue to 109th Street, along said street to 37th Avenue, along said avenue to 112th Street, along said street to 38th Avenue, along said avenue to 111th Street, along said street to 46th Avenue, along said avenue to 108th Street, along said street to 48th Avenue, along said avenue to 111th Street, along said street to 56th Avenue, along said avenue to Corona Avenue, along said avenue to Westside Avenue, along said avenue to Van Cleef Street, along said street to Otis Avenue, along said avenue to 108th Street, along said street to Van Doren Street, along said street to Westside Avenue, along said avenue to Penrod Street, along said street to Otis Avenue, along said avenue to Granger Street, along said street to 57th Avenue, along said avenue to 101st Street, along said street to Radcliff Avenue, along said avenue to 102nd Street, along said street to Christie Avenue, along said avenue to 99th Street, along said street to 50th Avenue, along said avenue to 93rd Street, along said street to Corona Avenue, along said avenue to 91st Place, along said place to 43rd Avenue, along said avenue to Ithaca Street, along said street to Baxter Avenue, along said avenue to Hampton Street, along said street to Britton Avenue, along said avenue to Farley Street, along said street to Roosevelt Avenue, along said avenue to 77th Street, along said street to 37th Road, along said road to 73rd Street, along said street to 37th Avenue, along said avenue to 61st Street, along said street to Woodside Avenue, along said avenue to Hicks Drive, along said drive to 64th Street, along said street to Queens Boulevard, along said boulevard to 65th Place, along said place to P A Railroad right-of way, along said right-of-way to Queens Boulevard, along said boulevard to Brooklyn-Queens Expressway Ramp, along said ramp to the Brooklyn-Queens Expressway, along said expressway to the P A Railroad right-of-way, along said right-of-way to the New York Central Railroad

right-of-way, along said right-of-way to the P A Railroad right-of-way, along said right-of-way to Barnwell Avenue, along said avenue to Queens Boulevard, along said boulevard to Grand Avenue, along said avenue to Seabury Street, along said street to the Long Island Expressway, along said expressway to P A Railroad right-of-way, along said right-of-way to 57th Road, along said road to 86th Street, along said street to Woodhaven Boulevard, along said boulevard to the Long Island Expressway, along said expressway to 102nd Street, along said street to 62nd Avenue, along said avenue to Yellowstone Boulevard, along said boulevard to 62nd Drive, along said drive to 108th Street, along said street to 62nd Avenue, along said avenue to Colonial Avenue, along said avenue to the Long Island Expressway, along said expressway to the Grand Central Parkway, along said parkway to Northern Boulevard, along said boulevard to Astoria Boulevard, along said boulevard to the Grand Central Parkway, along said parkway to 102nd Street, along said street to the border of La Guardia Airport, easterly along said border to the waterways of the Flushing Bay, along said waterways to a line extended to the Queens County border, along said border to the Rikers Island Bridge, the point of Beginning.

36. Thirty-sixth district. That part of the county of Queens bounded by a line described as follows: Beginning at a point where the East River intersects Ditmars Boulevard, along said boulevard to 19th Street, along said street to 21st Road, along said road to 21st Street, along said street to 22nd Road, along said road to 19th Street, along said street to Hoyt Avenue North, along said avenue to 21st Street, along said street to Astoria Park South, along said park to 14th Street, along said street to a line extended to 12th Street, along said extension to 12th Street, along said street to 27th Avenue, along said avenue to 18th Street, along said street to Astoria Boulevard, along said boulevard to 21st

Street, along said street to 30th Road, along said road to 14th Street, along said street to 31st Avenue, along said avenue to 12th Street, along said street to 31st Drive, along said drive to 14th Street, along said street to 34th Avenue, along said avenue to 24th Street, along said street to 35th Avenue, along said avenue to Crescent Street, along said street to 37th Avenue, along said avenue to 27th Street, along said street to 38th Avenue, along said avenue to 28th Street, along said street to 36th Avenue, along said avenue to 30th Street, along said street to 35th Avenue, along said avenue to 29th Street, along said street to 34th Avenue, along said avenue to 30th Street, along said street to Broadway, along Broadway to 33rd Street, along said street to 35th Avenue, along said avenue to 41st Street, along said street to 34th Avenue, along said avenue to 44th Street, along said street to Northern Boulevard, along said boulevard to 45th Street, along said street to 34th Avenue, along said avenue to 47th Street, along said street to Broadway, along Broadway to Newtown Road, along said road to 48th Street, along said street to 31st Avenue, along said avenue to 47th Street, along said street to 30th Avenue, along said avenue to 57th Street, along said street to 31st Avenue, along said avenue to the Brooklyn-Queens Expressway, along said expressway to 49th Street, along said street to Grand Central Parkway, along said parkway to 82nd Street, along said street to Astoria Boulevard north, along said boulevard to 81st Street, along said street to 19th Avenue, along said avenue to the westerly shores of Bowery Bay, along said shores to the Rikers Island Bridge, along said bridge to the Queens county line, along said county line to the intersection of the East River and Ditmars Boulevard, the point of beginning.

37. Thirty-seventh District. That part of the county of Queens bounded by a line described as follows: Beginning at a point where the Queens county line intersects the P A Railroad, along said railroad to 79th

Avenue, along said avenue to Cypress Avenue, along said avenue to Saint Felix Avenue, along said avenue to Seneca Avenue, along said avenue to Stephen Street, along said street to Forest Avenue, along said avenue to Myrtle Avenue, along said avenue to Onderdonk Avenue, along said avenue to Catalpa Avenue, along said avenue to Forest Avenue, along said avenue to 67th Avenue, along said avenue to Fresh Pond Road, along said road to Gates Avenue, along said avenue to Traffic Avenue, along said avenue to Menahan Street, along said street to Fresh Pond Road, along said road to Metropolitan Avenue, along said avenue to Flushing Avenue, along said avenue to 56th Street, along said street to Grand Avenue, along said avenue to Page Place, along said place to Maspeth Avenue, along said avenue to Rust Street, along said street to 56th Road, along said road to 50th Street, along said street to 55th Road, along said road to 48th Street, along said street to 55th Avenue, along said avenue to 46th Street, along said street to 54th Road, along said road to 44th Street, along said street to 54th Avenue, along said avenue to 50th Street, proceeding northerly along to a line extended from 50th Street to a point on the Long Island Expressway, then westerly along a line extended from said point to 53rd Avenue, along said avenue to 48th Street, along said street to the Long Island Expressway Ramp, along said ramp to 46th Street, along said street to Borden Avenue, along said avenue to 45th Street, along said street to 50th Avenue, along said avenue to 48th Street, along said street to Borden Avenue, along said avenue to 49th Street, along said street to 47th Avenue, along said avenue to 50th Street, along said street to Queens Boulevard, along said boulevard to 53rd Street, along said street to Skillman Avenue, along said avenue to 51st Street, along said street to 39th Avenue, along said avenue to 48th Street, along said street to Barnett Avenue, along said avenue to 43rd Street, along said street to 43rd Avenue, along said avenue to 40th Street, along said street to Skillman

Avenue, along said avenue to 39th Street, along said street to Northern Boulevard, along said boulevard to 37th Street, along said street to 37th Avenue, along said avenue to 35th Street, along said street to 36th Avenue, along said avenue to 32nd Street, along said street to 38th Avenue, along said avenue to 30th Street, along said street to 40th Avenue, along said avenue to 27th Street, along said street to 37th Avenue, along said avenue to Crescent Street, along said street to 35th Avenue, along said avenue to 24th Street, along said street to 34th Avenue, along said avenue to 14th Street, along said street to 31st Drive, along said drive to 12th Street, along said street to 31st Avenue, along said avenue to 14th Street, along said street to 30th Road, along said road to 21st Street, along said street to Astoria Boulevard, along said boulevard to 18th Street, along said street to 27th Avenue, along said avenue to 12th Street, along said street to 26th Avenue, along said avenue to 14th Street, along said street to Astoria Park South, along Astoria Park South to 21st Street, along said street to Hoyt Avenue North, along said avenue to 19th Street, along said street to 22nd Road, along said road to 21st Street, along said street to 21st Road, along said road to 19th Street, along said street to Ditmars Boulevard, along said boulevard to the Queens county line, southerly along said county line to its intersection with the P A Railroad, the point of beginning.

38. Thirty-eighth district. That part of the county of Queens bounded by a line described as follows: Beginning at the point where Rockaway Boulevard intersects 114th Street, northerly on 114th Street to Atlantic Avenue, along said avenue to 115th Street, along said street to Jamaica Avenue, along said avenue to Lefferts Boulevard, along said boulevard to 85th Avenue, along said avenue to 118th Street, along said street to 84th Avenue, along said avenue to 112th Street, along said street to Pack Lane South, along said lane to Metropolitan Avenue, along said avenue to Union

Turnpike, along said turnpike to the point where It intersects the Long Island Rail Road right-of-way, along said right-of-way to 88th Street, along said street to 77th Avenue, along said avenue to 80th Street, along said street to the Long Island Rail Road right-of-way, along said right-of-way to 79th Place, along said place to 71st Avenue, along said avenue to 80th Street, along said street to Cooper Avenue, along said avenue to 78th Street, along said street to 66th Drive, along said drive to Gray Street, along said street to Juniper Valley Road, along said road to 74th Street, along said street to Juniper Boulevard South, along said boulevard to 71st Street, along said street to Eliot Avenue, along said avenue to 68th Street, along said street to Caldwell Avenue, along said avenue to Brown Place, along said place to 58th Avenue, along said avenue to a line extended into the north portion of Olivet Cemetery, along said cemetery to Flushing Avenue, along said avenue to 60th Lane, along said lane to 59th Avenue, along said avenue to 60th Place, along said place to Flushing Avenue, along said avenue to Rust Street, along said street to Grand Avenue, along said avenue to 57th Street, along said street to Flushing Avenue, along said avenue to Metropolitan Avenue, along said avenue to Fresh Pond Road, along said road to Menahan Street, along said street to Traffic Avenue, along said avenue to Gates Avenue, along said avenue to Fresh Pond Road, along said road to 67th Avenue, along said avenue to Forest Avenue, along said avenue to Catalpa Avenue, along said avenue to Onderdonk Avenue, along said avenue to Myrtle Avenue, along said avenue to Forest Avenue, along said avenue to Stephen Street, along said street to Seneca Avenue, along said avenue to Saint Felix Avenue, along said avenue to Cypress Avenue, along said avenue to 79th Avenue, along said avenue to the PA Railroad right-of-way, along said right-of-way to the Queens/Kings county border, along said border to Atlantic Avenue, along said avenue to 78th Street, along said street to 90th Road, along said road to 84th Street

along said street to 91st Avenue, along said avenue to 86th Street, along said street to 89th Avenue, along said avenue to 89th Street, along said street to 88th Avenue, along said avenue to 90th Street, along said street to 89th Avenue, along said avenue to Woodhaven Boulevard, along said boulevard to 91st Avenue, along said avenue to 92nd Street, along said street to Atlantic Avenue, along said avenue to 94th Street, along said street to 97th Avenue, along said avenue to Woodhaven Boulevard, along said boulevard to Rockaway Boulevard, along said boulevard to 109th Avenue, along said avenue to 107th Street, along said street to Rockaway Boulevard, along said boulevard to its intersection with 114th Street, the point of beginning.

39. Thirty-ninth district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Gerritsen Avenue intersects Avenue X, along said avenue to Burnett Street, along said street to Avenue U, along said avenue to Stuart Street, along said street to Fillmore Avenue, along said avenue to Gerritsen Avenue, along said avenue to Nostrand Avenue, along said avenue to Avenue N, along said avenue to Kings Highway, along said highway to New York Avenue, along said avenue to Avenue N, along said avenue to its intersection with Flatlands Avenue and East 35th Street, thence along Flatlands Avenue to Flatbush Avenue, along said avenue to Saughman Place, along said place to Troy Avenue, along said avenue to Avenue M, along said avenue to East 45th Street, along said street to Flatlands Avenue, along said avenue to Schenectady Avenue, along said avenue to Avenue K, along said avenue to East 51st Street, along said street to Flatlands Avenue, along said avenue to East 52nd Street, along said street to Avenue J, along said avenue to a point where it intersects East 53rd Street and Flatlands Avenue, along Flatlands Avenue to East 56th Street, along said street to Avenue I, along said avenue to East 57th Street, along said street to Avenue J, along

said avenue to Ralph Avenue, along said avenue to Flatlands Avenue, along said avenue to East 83rd Street, along said street to Glenwood Road, along said road to East 85th Street, along said street to Farragut Road, along said road to East 84th Street, along said street to Foster Avenue, along said avenue to East 88th Street, along said street to Avenue D, along said avenUe to East 89th Street, along said street to Foster Avenue, along said avenue to Remsen Avenue, along said avenue to Avenue D, along said avenue to East 93rd Street, along said street to Foster Avenue, along said avenue to East 94th Street, along said street to Farragut Road, along said road to East 96th Street, along said street to Conklin Avenue, along said avenue to East 99th Street, along said street to Flatlands Avenue, along said avenue to East 98th Street, along said street to Truckleman's Lane, along said lane to Rockaway Parkway, along said packway to Avenue K, along said avenue to East 105th Street, along said street to Flatlands 3rd Street, along said street to East 108th Street, along said street to Flatlands Avenue, along said avenue to Van Siclen Avenue, along said avenue to Van Siclen Avenue Extended, along said extension to Shore Parkway, along said parkway to the Kings/Queens county border, along said county border south and then west to a line extended to Shore Parkway at the midpoint of Plum Beach Channel, from said point along a line extended to the extension of Gerritsen Avenue, along said avenue to Avenue X, the point of beginning.

40. Fortieth district. That part of the county of Rings bounded by a line described as follows: Beginning at a point where Shore Parkway intersects with Van Siclen Avenue extended, easterly along said parkway to where the Shore Parkway intersects with the Kings/Queens county border, extended northerly along said border to the point where said border meets Forbell Street, along said street to McKinley Avenue, along said avenue to Eldert Lane, along said lane to A. P., along A. P. to

Glenmore Avenue, along said avenue to Grant Avenue, along said avenue to Pitkin Avenue, along said avenue to Sheridan Avenue, along said avenue to Glenmore Avenue, along said avenue to Lincoln Avenue, along said avenue to North Conduit Avenue, along said avenue to Hemlock Street, along said street to Liberty Avenue, along said avenue to Euclid Avenue, along said avenue to Glenmore Avenue, along said avenue to Crystal Street, along said street to Liberty Avenue, along said avenue to Fountain Avenue, along said avenue to Atlantic Avenue, along said avenue to Logan Street, along said street to Glenmore Avenue, along said avenue to Fountain Avenue, along said avenue to Pitkin Avenue, along said avenue to Logan Street, along said street to Belmont Avenue, along said avenue to Milford Street, along said street to Atlantic Avenue, along said avenue to Montauk Avenue, along said avenue to Liberty Avenue, along said avenue to Atkins Avenue, along said avenue to Glenmore Avenue, along said avenue to Essex Street, along said street to Pitkin Avenue, along said avenue to Linwood Street, along said street to Glenmore Avenue, along said avenue to Elton Street, along said street to Pitkin Avenue, along said avenue to Ashford Street, along said street to Belmont Avenue, along said avenue to Warwick Street, along said street to Glenmore Avenue, along said avenue to Jerome Street, along said street to Pitkin Avenue, along said avenue to Schenck Avenue, along said avenue to Glenmore Avenue, along said avenue to Barbey Street, along said street to Liberty Avenue, along said avenue to Schenck Avenue, along said avenue to Atlantic Avenue, along said avenue to Van Siclen Avenue, along said avenue to Liberty Avenue, along said avenue to Miller Avenue, along said avenue to Glenmore Avenue, along said avenue to Vermont Avenue, along said avenue to Atlantic Avenue, along said avenue to New Jersey Avenue, along said avenue to Fulton Street, along said street to Pennsylvania Avenue, along said avenue to Atlantic Avenue, along said avenue to Sheffield Avenue,

along said avenue to Fulton Street, along said street to Georgia Avenue, along said avenue to Liberty Avenue, along said avenue to New Jersey Avenue, along said avenue to Sutter Avenue, along said avenue to Wyona Street, along said street to Blake Avenue, along said avenue to Pennsylvania Avenue, along said avenue to Pitkin Avenue, along said avenue to Sheffield Avenue, along said avenue to Sutter Avenue, along said avenue to Hinsdale Street, along said street to Pitkin Avenue, along said avenue to Alabama Avenue, along said avenue to Glenmore Avenue, along said avenue to Williams Avenue, along said avenue to Liberty Avenue, along said avenue to Junlus Street, along said street to Blake Avenue, along said avenue to Mother Gaston Boulevard (Stone Avenue), along said boulevard to Livonia Avenue, along said avenue to Thatford Avenue, along said avenue to Riverdale Avenue, along said avenue to Bristol Street, along said street to Livonia Avenue, along said avenue to Hopkinson Avenue, along said avenue to Riverdale Avenue, along said avenue to Herzl Street, along said street to Livonia Avenue, along said avenue to Strauss Street, along said street to Riverdale Avenue, along said avenue to East 98th Street, along said street to Willmohr Street, along said street to Rockaway Parkway, along said parkway to Church Avenue, along said avenue to East 98th Street, along said street to Hegeman Avenue, along said avenue to Rockaway Avenue, along said avenue to Linden Boulevard, along said boulevard to Bristol Street, along said street to Ditmas Avenue, along said avenue to East 98th Street, along said street to a line extended southeasterly to the Long Island Rail Road (Bay Ridge Branch), along said railroad to Rockaway Parkway, along said parkway to Nolans Lane extended, along said extension to East 96th Street, along said street to Foster Avenue, along said avenue to East 105th Walk, along said walk to Farragut Road, along said road to East 108th Street, along said street to Stanley Avenue, along said avenue to Williams Avenue, along said avenue to

Flatlands Avenue, along said avenue to Van Siclen Avenue, along said avenue to where Van Siclen Avenue intersects South Shore Parkway, the point of beginning.

41. Forty-first district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Gerritsen Avenue intersects Avenue X, along said avenue to Burnett Street, along said street to Avenue U, along said avenue to Stuart Street, along said street to Fillmore Avenue, along said avenue to Gerritsen Avenue, along said avenue to Nostrand Avenue, along said avenue to Avenue N, along said avenue to Kings Highway, along said highway to New York Avenue, along said avenue to Avenue N, along said avenue to its intersection with Flatlands Avenue and East 35th Street, thence along Flatlands Avenue to Flatbush Avenue, along said avenue to Baughman Place, along said place to Troy Avenue, along said avenue to Avenue M, along said avenue to East 45th Street, along said street to Flatlands Avenue, along said avenue to Schenectady Avenue, along said aVenue to Avenue R, along said avenue to East 51st Street, along said street to Flatlands Avenue, along said avenue to East 52nd Street, along said street to Avenue J, along said avenue to a point where it intersects East 53rd Street and Flatlands Avenue, along Flatlands Avenue to East 56th Street, along said street to Avenue I, along said avenue to East 57th Street, along said street to Avenue J, along said avenue to Ralph Avenue, along said avenue to Flatlands Avenue, along said avenue to East 83rd Street, along said street to Glenwood Road, along said road to East 85th Street, along said street to Farragut Road, along said road to East 84th Street, along said street to Foster Avenue, along said avenue to East 88th Street, along said street to Avenue D, along said avenue to East 89th Street, along said street to Foster Avenue, along said avenue to Remsen Avenue, along said avenUe to Avenue D, along said avenue to East 93rd Street, along said street to Avenue A, along said avenue to East 91st

Street, along said street to Church Avenue, along said avenue to Ralph Avenue, along said avenue to Tilden Avenue, along said avenue to East 52nd Street, along said street to Beverly Road, along said road to East 53rd Street, along said street to Clarendon Road, along said road to Utica Avenue, along said avenue to Cottelyou Road Extended, along said extension to East 48th Street, along said street to Clarendon Road, along said road to East 46th Street, along said street to Glenwood Road, along said road to East 38th Street, along said street to Avenue H, along said avenue to Flatbush Avenue, along said avenue to Avenue I, along said avenue to East 31st Street, along said street to Avenue J, along said avenue to Nostrand Avenue, along said avenue to Avenue K, along said avenue to East 31st Street, along said street to Avenue L, along said avenue to East 24th Street, along said street to Avenue M, along said avenue to East 19th Street, along said street to Avenue 0, along said avenue to East 21st Street, along said street to Avenue P, along said avenue to East 22nd Street, along said street to Quentin Road, along said road to East 23rd Street, along said street to Avenue R, along said avenue to East 22nd Street, along said street to Avenue S, along said avenue to East 21st Street, along said street to Avenue V, along said avenue to East 22nd Street, along said street to Avenue W, along said avenue to East 21st Street, along said street to Avenue X, along said avenue to East 22nd Street, along said street to Avenue Y, along said avenue to East 24th Street, along said street to Voorhies Avenue, along said avenue to East 22nd Street, along said street to Shore Parkway North, along said parkway to Dooley Street, along said street to Jamison Lane, along said lane to East 23rd Street, along said street to Shore Parkway North, along said parkway to Nostrand Avenue, along said avenue to Voorhies Avenue, along said avenue to Brown Street, along said street to Shore Parkway North, along said parkway to Knapp Street, along said street to Allen Avenue, along said avenue to the Gerritsen Avenue,

along said avenue to Avenue X, the point of beginning.

42. Forty-second district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Parkside Avenue intersects Flatbush Avenue, thence southerly along Flatbush Avenue to Lenox Road, along said road to Bedford Avenue, along said avenue to Linden Boulevard, along said boulevard to New York Avenue, along said avenue to Lenox Road, along said road to East 37th Street, along said street to Clarkson Avenue, along said avenue to East 40th Street, along said street to Linden Boulevard, along said boulevard to Brooklyn Avenue, along said avenue to Church Avenue, along said avenue to New York Avenue, along said avenue to Snyder Avenue, along said avenue to Brooklyn Avenue, along said avenue to the western boundary of Holy Cross cemetery, along said boundary to Beverley Road, along said road to Brooklyn Avenue, along said avenue to Cortelyou Road, along said road to East 35th Street, along said street to Clarendon Road, along said road to New York Avenue, along said avenue to Cortelyou Road, along said road to Raleigh Place, along said place to Avenue D, along said avenue to Nostrand Avenue, along said avenue to Newkirk Avenue, along said avenue to East 28th Street, along said street to Farragut Road, along said road to Renilworth Place, along said place to Glenwood Road, along said road to Flatbush Avenue, along said avenue to Glenwood Road, along said road to New York Avenue, along said avenue to Avenue H, along said avenue to Flatbush Avenue, along said avenue to Avenue I, along said avenue to East 31st Street, along said street to Avenue J, along said avenue to Nostrand Avenue, along said avenue to Avenue K, along said avenue to East 31st Street, along said street to Avenue L, along said avenue to East 24th Street, along said street to Avenue J, along said avenue to Bedford Avenue, along said avenue to Avenue I, along said avenue to East 19th Street, along said street to Foster Avenue,

along said avenue to Ocean Avenue, along said avenue to Cortelyou Road, along said road to East 17th Street, along said street to Dorchester Road, along said road to East 16th Street, along said street to Beverley Road, along said road to Marlborough Road, along said road to Albemarle Road, along said road to its intersection with the New York City Transit Authority subway tracks (Brighton line), along said tracks to Church Avenue, along said avenue to Stratford Road, along said road to Albemarle Road, along said road to Coney Island Avenue, along said avenue to the part of Park Circle, counter clockwise around Park Circle to Parkside Avenue, along said avenue to Flatbush Avenue, the point of beginning.

43. Forty-third district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Atlantic Avenue intersects New York Avenue, thence southerly along New York avenue to Dean Street, along said street to Bedford Avenue, along said avenue to Bergen Street, along said street to Rogers Avenue, along said avenue to Crown Street, along said street to Nostrand Avenue, along said avenue to Sterling Street, along said street to Bedford Avenue, along said avenue to Leffetts Avenue, along said avenue to Flatbush Avenue, along said avenue to Lenox Road, along said road to Bedford Avenue, along said avenue to Linden Boulevard, along said boulevard to New York Avenue, along said avenue to Lenox Road, along said road to East 37th Street, along said street to Clarkson Avenue, along said avenue to Utica Avenue, along said avenue to Winthrop Street, along said street to East 49th Street, along said street to Rutland Road, along said road to Utica Avenue, along said avenue to Lefferts Avenue, along said avenue to East New York Avenue, along said avenue to Ford Street, along said street to Crown Street, along said street to Rochester Avenue, along said avenue to President Street, along said street to Utica Avenue, along said avenue to Eastern Parkway.

along said parkway to Kingston Avenue, along said avenue to Atlantic Avenue, along said avenue to New York Avenue, the point of beginning.

44. Forty-fourth district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where 37th Street meets 13th Avenue,, along said avenue to 36th Street, along said street to Clara Street, along said street to Chester Avenue, along said avenue to Louisa Street, along said street to Dahill Road, along said road to Ditmas Avenue, along said avenue to McDonald Avenue, along said avenue to Cortelyou Road, along said road to Ocean Parkway, along said parkway to 18th Avenue, along said avenue to Seton Place, along said place to Foster Avenue, along said avenue to Ocean Parkway, along said parkway to Long Island Rail Road (Bay Ridge Branch), along said railroad to East 7th Street, along said street to Avenue I, along said avenue to East 9th Street, along said street to the Long Island Rail Road (Bay Ridge Branch), along said railroad to Coney Island Avenue, along said avenue to Avenue J, along said avenue to East 15th Street, along said street to Avenue I, along said avenue to East 19th Street, along said street to Foster Avenue, along said avenue to Ocean Avenue, along said avenue to Cortelyou Road, along said road to East 17th Street, along said street to Dorchester Road, along said road to East 16th Street, along said street to Beverley Road, along said road to Marlborough Road, along said road to Albemarle Road, along said road to New York City Transit Authority Subway (Brighton line), along said subway to Church Avenue, along said avenue to Stratford Road, along said road to Albemarle Road, along said road to Coney Island Avenue, along said avenue to Park Circle, traveling counterclockwise around Park Circle to Parkside Avenue, along said avenue to Ocean Avenue, along said avenue to Flatbush Avenue, along said avenue to Plaza Street East, along said street to Saint Johns Place, along said place to Underhill

Avenue, along said avenue to Sterling Place, along said place to 7th Avenue, along said avenue to Saint Johns Place, along said place to 8th Avenue, along said avenue to Berkeley Place, along said place to 6th Avenue, along said avenue to 2nd Street, along said street to 5th Avenue, along said avenue to 4th Street, along said street to 6th Avenue, along said avenue to 5th Street, along said street to 5th Avenue, along said avenue to 7th Street, along said street to 4th Avenue, along said avenue to 8th Street, along said street to 3rd Avenue, along said avenue to 9th Street, along said street to 5th Avenue, along said avenue to 10th Street, along said street to 3rd Avenue, along said avenue to 12th Street, along said street to 5th Avenue, along said avenue to 11th Street, along said street to 6th Avenue, along said avenue to 12th Street, along said street to 7th Avenue, along said avenue to 13th Street, along said street to 6th Avenue, along said avenue to 14th Street, along said street to ?th Avenue, along said avenue to 15th Street, along said street to Prospect Park West, along Prospect Park West to 16th Street, along said street to 7th Avenue, along said avenue to Windsor Place, along said place to 8th Avenue, along said avenue to Prospect Avenue, along said avenue to 10th Avenue, along said avenue to 17th Street, along said street to 7th Avenue, along said avenue to 20th Street, along said street to Mc Donald Avenue, along said avenue to Fort Hamilton Parkway, along said parkway to 37th Street, along said street to 13th Avenue, the point of beginning.

45. Forty-fifth district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Brighton Beach Avenue intersects Coney Island Avenue, thence southerly on Coney Island Avenue on a line extended through the waters of the Atlantic Ocean to the Kings county line, along said county line to a line extended to Shore Parkway at the midpoint of Plumb Beach Channel, from said point along a line extended to the extension of Gerritsen

Avenue, northerly along said extension to Gerritsen Avenue, thence northerly on Gerritsen Avenue to Allen Avenue, along said avenue to Knapp Street, along said street to Shore Parkway North, along said parkway to Brown Street, along said street to Voorhies Avenue, along said avenue to Nostrand Avenue, along said avenue tO Shore Parkway North, along said parkway to East 23rd Street, along said street to Jamison Lane, along said lane to Dooley Street, along said street to Shore Parkway North, along said parkway to 22nd Street, along said street to Voorhies Avenue, along said avenue to East 24th Street, along said street to Avenue Y, along said avenue to East 22nd Street, along said street to Avenue X, along said avenue to East 21st Street, along said street to Avenue W, along said avenue to East 22nd Street, along said street to Avenue V, along said avenue to East 21st Street, along said street to Avenue S, along said avenue to East 22nd Street, along said street to Avenue R, along said avenue to East 23rd Street, along said street to Quentin Road, along said road to East 22nd Street, along said street to Avenue P, along said avenue to East 21st Street, along said street to Avenue 0, along said avenue to East 19th Street, along said street to Avenue M, along said avenue to East 24th Street, along said street to Avenue J, along said avenue to Bedford Avenue, along said avenue to Avenue I, along said avenue to East 15th Street, along said street to Avenue L, along said avenue to East 5th Street, along said street to Avenue N, along said avenue to Ocean Parkway, along said parkway to Ryder Avenue, along said avenue to East 5th Street, along said street to Avenue 0, along said avenue to Ocean Parkway, along said parkway to Avenue V, along said avenue to East 5th Street, along said street to Avenue W, along said avenue tO East 7th Street, along said street to Avenue z, along said avenue to Coney Island Avenue, along said avenue to the Shore Parkway South, along said parkway to East 11th Street, along said street to Banner Avenue, along said avenue to Coney Island Avenue, along said

avenue to Gulder Avenue, along said avenue to East 12th Street, along said street to Neptune/Emmots Avenue, along said avenue to Brighton 11th Street, along said street to Brighton Beach Avenue, along said avenue to where lt intersects Coney Island Avenue, the point of beginning.

46. Forty-sixth district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where the Verrazano Narrows Bridge intersects the Kings county line, along said bridge to 101st Street extended, along said extension to 101st Street, along said street to 3rd Avenue, along said avenue to 96th Street, along said street to Marine Avenue, along said avenue to Ridge Boulevard, along said boulevard to 87th Street, along said street to 3rd Avenue, along said avenue to 84th Street, along said street to Ridge Boulevard, along said boulevard to 81st Street, along said street to 3rd Avenue, along said avenue to 80th Street, along said street to 5th Avenue, along said avenue to 81st Street, along said street to 6th Avenue, along said avenue to 76th Street, along said street to 7th Avenue (west side of Gowanus Expressway), along said avenue to Bay Ridge Parkway, along said parkway to 7th Avenue (east side of Gowanus Expressway), along said avenue to 78th Street, along said street to 10th Avenue, along said avenue to 79th Street, along said street to llth Avenue, along said avenue to 80th Street, along said street to 14th Avenue, along said avenue to Cropsey Avenue, along said avenue to Bay 8th Street entrance ramp, along said ramp to Leif Ericson Drive, along said drive to 26th Avenue, along said avenue to Shore Parkway, along said parkway to Bay 50th Street, along said street to West 16th Street, along said street to Avenue Z, along said avenue to West 15th Street, along said street to West 15th Place, along said place to Stillwell Avenue, along said avenue to Harway Avenue, along said avenue to Bay 50th Street, along said street to Stillwell Avenue, along said avenue to Avenue

V, along said avenue to West 8th Street, along said street to a point where said street intersects 86th Street, thence along a line extended from West 8th Street at a 90 degree angle to West 7th Street, along said street to the intersection of 86th Street, easterly along a line extended from West 7th Street at a 90 degree angle to a point midway between West 6th Street and West 7th Street, from said point along a line proceeding southerly to its intersection with 86th Street, along said street to Avenue W, along said avenue to McDonald Avenue, along said avenue to Avenue X, along said avenue to West 3rd Street, along said street to Bouck Court, along said court to Shell Road, along said road to Atwater Court, along said court to West 3rd Street, along said street to Avenue Z, along said avenue to West Street, along said street to Shore Parkway North Service Road, along said road to Ocean Parkway, along said parkway to Avenue Z, along said avenue to East 6th Street, along said street to Shore Parkway North Service Road, along said road to Coney Island Avenue, along said avenue to Shore Parkway South, along said parkway to East 11th Street, along said street to Banner Avenue, along said avenue to Coney Island Avenue, along said avenue to Guider Avenue, along said avenue to East 12th Street, along said street to Neptune/Emmons Avenue, along said avenue to Brighton 11th Street, along said street to Brighton Beach Avenue, along said avenue to Coney Island Avenue, along said avenue to a line extended to the county border, along said border to the Verrazano Narrows Bridge, to the point of beginning.

47. Forty-seventh district. That part of the county of Rings bounded by a line described as follows: Beginning at the point where 54th Street intersects 20th Avenue, thence along said avenue to 60th Street, along said street to 21st Avenue, along said avenue to 64th Street, along said street to Bay Parkway, along said parkway to 65th Street, along said street to the New York City Transit Authority Subway (Sea Beach line), along said subway to

Bay Parkway, along said parkway to 68th Street, along said street to 21st Avenue, along said avenue to 73rd Street, along said street to 20th Avenue, along said avenue to Bay Ridge Parkway, along said parkway to Bay Parkway, along said parkway to 78th Street, along said street to 20th Avenue, along said avenue to 79th Street, along said street to 21st Avenue, along said avenue to 81st Street, along said street to 20th Avenue, along said avenue to 86th Street, along said street to Bay 25th Street, along said street to Benson Avenue, along said avenue to Bay 29th street, along said street to Bath Avenue, along said avenue to Bay 31st Street, along said street to Benson Avenue, along said avenue to 23rd Avenue, along said avenue to Cropsey Avenue, along said avenue to 20th Avenue, along said avenue to Shore Parkway North, along said parkway to Bay 8th Street entrance ramp, along said ramp to Leif Ericson Drive, along said drive to 26th Avenue, along said avenue to Shore Parkway, along said parkway to Bay 50th Street, along said street to West 16th Street, along said street to Avenue Z, along said avenue to West 15th Street, along said street to West 15th Place, along said place to Stillwell Avenue, along said avenue to Harway Avenue, along said avenue to Bay 50th Street, along said street to Stillwell Avenue, along said avenue to Avenue V, along said avenue to West 8th Street, along said street to a point where said street intersects 86th Street, thence along a line extended from West 8th Street at a 90 degree angle to West 7th Street, southerly along said street to the intersection of 86th Street, easterly along a line extended from West 7th Street at a 90 degree angle to a point midway between West 6th Street and West 7th Street, from said point along a line proceeding southerly to its intersection with 86th Street, along said street to Avenue W, along said avenue to Mc Donald Avenue, along said avenue to Avenue X, along said avenue to West 3rd Street, along said street to Bouck Court, along said court to Shell Road, along said road to Atwater Court, along said court to West 3rd Street,

along said street to Avenue Z, along said avenue to West Street, along said street to Shore Parkway North Service Road, along said service road to Ocean Parkway, along said parkway to Avenue Z, along said avenue to East 6th Street, along said street to Shore Parkway North Service Road, along said service road to Coney Island Avenue, along said avenue to Avenue Z, along said avenue to East 7th Street, along said street to Avenue W, along said avenue to East 5th Street, along said street to Avenue V, along said avenue to Ocean Parkway, along said parkway to Avenue 0, along said avenue to East 5th Street, along said street to Ryder Avenue, along said avenue to Ocean Parkway, along said parkway to Avenue N, along said avenue to East 5th Street, along said street to Avenue M, along said avenue to Mc Donald Avenue, along said avenue to its intersection with Bay Parkway, thence northwesterly from said intersection along 54th Street extended to 54th street, along said street to 20th Avenue, the point of beginning.

48. Forty-eighth district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Avenue I intersects East 15th Street, thence southerly along said street to Avenue L, along said avenue to East 5th Street, along said street to Avenue M, along said avenue to McDonald Avenue, along said avenue to its intersection with Bay Parkway, along said parkway to 54th Street, along said street to 21st Avenue, along said avenue to Dahill Road, along said road to 50th Street, along said street to 18th Avenue, along said avenue to Long Island Rail Road (Bay Ridge Branch), along said railroad to 54th Street, along said street to 17th Avenue, along said avenue to 57th Street, along said street to Long Island Rail Road (Bay Ridge Branch), along said railroad to 59th Street, along said street to 16th Avenue, along said avenue to 53rd Street, along said street to 14th Avenue, along said avenue to 54th Street, along said street to New Utrecht

Avenue, along said avenue to 52nd Street, along said street to 11th Avenue, along said avenue to 51st Street, along said street to Fort Hamilton Parkway, along said parkway to 60th Street, along said street to 10th Avenue, along said avenue to 61st Street, along said street to Fort Hamilton Parkway, along said parkway to 62nd Street, along said street to 10th Avenue, along said avenue to 72nd Street. along said street to 11th avenue, along said avenue to 70th Street, along said street to 13th Avenue, along said avenue to Bay Ridge Parkway, along said parkway to 14th Avenue, along said avenue to 80th Street, along said street to 11th Avenue, along said avenue to 79th Street, along said street to 10th Avenue, along said avenue to 78th Street, along said street to 7th Avenue (eastern side of the Gowanus Expressway), along said avenue to Bay Ridge Parkway, along said parkway to 7th Avenue (western side of the Gowanus Expressway), along said avenue to 76th Street, along said street to 6th Avenue, along said avenue to __th Street, along said street to 7th Avenue (eastern side of the Gowanus Expressway), along said avenue to 65th Street, along said street to 6th Avenue, along said avenue to 59th Street, along said street to 5th Avenue, along said avenue to 58th Street, along said street to 6th Avenue, along said avenue to 55th Street, along said street to 7th Avenue, along said avenue to 52nd Street, along said street to 8th Avenue, along said avenue to 50th street, along said street to 7th Avenue, along said avenue to 48th Street, along said street to 8th Avenue, along said avenue to 47th Street, along said street to 7th Avenue, along said avenue to 46th Street, along said street to 8th Avenue, along said avenue to 43rd Street, along said street to 10th Avenue, along said avenue to 46th Street, along said street to 11th Avenue, along said avenue to 47th Street, along said street to New Utrecht Avenue, along said avenue to Fort Hamilton Parkway, along said parkway to 42nd Street, along said street to 10th Avenue, along said avenue to 41st Street, along said street to 9th Avenue, along said avenue to the New

York City Transit Authority Subway (West End line), along said subway to 10th Avenue, along said avenue to 39th Street, along said street to New Utrecht Avenue, along said avenue to 40th Street, along said street to Fort Hamilton Parkway, along said parkway to 38th Street, along said street to 12th Avenue, along said avenue to 39th Street, along said street to 13th Avenue, along said avenue to 41st Street, along said street to 14th Avenue, along said avenue to 37th Street, along said street to 13th Avenue, along said avenue to 36th Street, along said street to Clara Street, along said street to Chester Avenue, along said avenue to Louisa Street, along said street to Dahill Road, along said road to Ditmas Avenue, along said avenue to McDonald Avenue, along said avenue to Cortelyou Road, along said road to Ocean Parkway, along said parkway to 18th Avenue, along said avenue to Seton Place, along said place to Foster Avenue, along said avenue to Ocean Parkway, along said parkway to Long Island Rail Road (Bay Ridge Branch), along said railroad to East 7th Street, along said street to Avenue I, along said avenue to East 9th Street, along said street to the Long Island Rail Road Bay Ridge Branch), along said railroad to Coney Island Avenue, along said avenue to Avenue J, along said avenue to East 15th Street, the point of beginning.

49. Forty-ninth district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where 14th Avenue intersects Bay Ridge Parkway, along said parkway to 13th Avenue, along said avenue to 70th Street, along said street to 11th Avenue, along said avenue to 72nd Street, along said street to 10th Avenue, along said avenue to 62nd Street, along said street to Fort Hamilton Parkway, along said parkway to 61st Street, along said street to 10th Avenue, along said avenue to 60th Street, along said street to Fort Hamilton Parkway, along said parkway to 51st Street, along said street to 11th Avenue, along said

avenue to 52nd Street, along said street to New Utrecht Avenue, along said avenue to 54th Street, along said street to 14th Avenue, along said avenue to 53rd Street, along said street to 16th Avenue, along said avenue to 59th Street, along said street to its intersection with tracks of the Long Island Rail Road (Bay Ridge Branch), along said tracks to 1?th Avenue, along said avenue to 54th Street, along said street to its intersection with the tracks of the Long Island Rail Road (Bay Ridge Branch), along said tracks to 18th Avenue, along said avenue to 50th Street, along said street to Dahill Road, along said road to 21st Avenue, along said avenue to its intersection with the property line of the Washington Cemetery, along said property line to 20th Avenue, along said avenue to 60th Street, along said street to 21st Avenue, along said avenue to 64th Street, along said street to say Parkway, along said parkway to 65th Street, along said street to the tracks of the New York City Transit Authority subway (Sea Beach line), along said tracks to Bay Parkway, along said parkway to 68th Street, along said street to 21st Avenue, along said avenue to 73rd Street, along said street to 20th Avenue, along said avenue to Bay Ridge Parkway, along said parkway to Bay Parkway, along said parkway to 78th street, along said street to 20th Avenue, along said avenue to 79th Street, along said street to 21st Avenue, along said avenue to 81st Street, along said street to 20th Avenue, along said avenue to 86th Street, along said street to Bay 25th Street, along said street to Benson Avenue, along said avenue to Bay 29th Street, along said street to Bath Avenue, along said avenue to Bay 31st Street, along said street to Benson Avenue, along said avenue to 23rd Avenue, along said avenue to Cropsey Avenue, along said avenue to 20th Avenue, along said avenue to Shore Parkway North, along said parkway to Bay 8th Street, along said street to Cropsey Avenue, along said avenue to 14th Avenue, along said avenue to its intersection with Bay Ridge Packway, the point of beginning.

50. Fiftieth district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Manhattan Avenue intersects the Kings/Queens county border in Newtown Creek, proceeding westerly along said border to a point where it intersects the Kings/New York county border, along said border to Hudson Avenue Extended, thence along a line extended to Little Street Extended, along said extension to York Street, along said street to Bridge Street, along said street to Prospect Street, along said street to the Brooklyn-Queens Expressway, along said expressway to Bridge Street, along said street to Flushing Avenue, along said avenue to Jay Street, along said street to Fulton Street, along said street to Fort Greene Place, along said place to LaFayette Avenue, along said avenue to South Portland Avenue, along said avenue to De Kalb Avenue, along said avenue to Carlton Avenue, along said avenue to LaFayette Avenue, along said avenue to Adelphi Street, along said street to De Kalb Avenue, along said avenue to Hall Street, along said street to Myrtle Avenue, along said avenue to Emerson Place, along said place to Willoughby Avenue, along said avenue to Classon Avenue, along said avenue to Park Avenue, along said avenue to Taaffe Place, along said place to Flushing Avenue, along said avenue to Franklin Avenue, along said avenue to Park Avenue, along said avenue to Skillman Street, along said street to Flushing Avenue, along said avenue to Bedford Avenue, along said avenue to Lynch Street, along said street to Harrison Avenue, along said avenue to Heyward Street, along said street to Broadway, along Broadway to Boerum Street, along said street to Lorimer Street, along said street to Montrose Avenue, along said avenue to Broadway, along Broadway to Penn Street, along said street to Harrison Avenue, along said avenue to Hewes Street, along said street to Broadway, along Broadway to Keap Street, along said street to Division Avenue, along said avenue to the Brooklyn-Queens Expressway, along said expressway to Broadway, along Broadway to Marcy

Avenue, along said avenue to South 5th Street, along said street to Havemeyer Street, along said street to South 9th Street, along said street to Driggs Avenue, along said avenue to South 5th Street, along said street to Bedford Avenue, along said avenue to South 8th Street, along said street to Berry Street, along said street to North 1st Street, along said street to Driggs Avenue, along said avenue to Metropolitan Avenue, along said avenue to Roebling Street, along said street to Hope Street, along said street to Havemeyer Street, along said street to Metropolitan Avenue, along said avenue to Rodney Street, along said street to Alnslie Street, along said street to Keap Street, along said street to Hope Street, along said street to Union Avenue, along said avenue to Conselyea Street, along said street to Manhattan Avenue, along said avenue to Metropolitan Avenue, along said avenue to Woodpoint Road, along said road to Conselyea Street, along said street to Humboldt Street, along said street to Skillman Avenue, along said avenue to Woodpoint Road, along said road to Jackson Street, along said street to Ringsland Avenue, along said avenue to Richardson Street, along said street to Debevoise Avenue, along said avenue to Division Place, along said place to Porter Avenue, along said avenue to Lombardy Street, along said street to Vandervoort Avenue, along said avenue to Beadel Street, along said street to Morgan Avenue, along said avenue to Lombardy Street, along said street to Kingsland Avenue, along said avenue to Meeker Avenue, along said avenue to Sutton Street, along said street to Driggs Avenue, along said avenue to Meeker Avenue, along said avenue to Vandam Street, along said street to Nassau Avenue, along said avenue to Morgan Avenue, along said avenue to Norman Avenue, along said avenue to North Henry Street, along said street to Greenpoint Avenue, along said avenue to McGuinness Boulevard, along said boulevard to Java Street, along said street to Provost Street, along said street to Huron Street, along said street to Franklin Street, along said

street to Milton Street, along said street to West Street, along said street to Green Street, along said street to Franklin Street, along said street to Freeman Street, along said street to West Street, along said street to Commercial Street, along said street to Manhattan Avenue, along said avenue to a point where it intersects with the Kings/Queens county border in Newtown Creek, the point of beginning.

51. Fifty-first district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where 2nd Avenue and 65th Street intersect, along 2nd Avenue to 57th Street, along said street to lst Avenue, along said avenue to 56th Street, along said street to 2nd Avenue, along said avenue to 55th Street, along said street to lst Avenue, along said avenue to 54th Street, along said street to 2nd Avenue, along said avenue to 36th Street, along said street to 3rd Avenue, along said avenue to 26th Street, along said street to 4th Avenue, along said avenue to 25th Street, along said street to 3rd Avenue, along said avenue to 24th Street, along said street to 4th Avenue, along said avenue to 23rd Street, along said street to 3rd Avenue, along said avenue to a point where it intersects 18th Street and Hamilton Avenue, along said avenue to 15th Street, along said street to 3rd Avenue, along said avenue to 14th Street, along said street to Hamilton Avenue, along said avenue to the west bank of the Gowanus Canal, along said bank to Bay Street Extended, along said extension to Bay Street, along said street to Columbia Street, along said street to Halleck Street, along said street to Beard Street, along said street to Van Brunt Street, along said street to Van Dyke Street, along said street to Conover Street, along said street to Dikeman Street, along said street to Ferris Street, along said street to Ring Street, along said street to Conover Street, along said street to Pioneer Street, along said street to Van Brunt Street, along said street to Bearing Street, along said street to Richards Street, along said street to

Hamilton Avenue, along said avenue to Columbia Street, along said street to Loquer Street, along said street to Hamilton Avenue, along said avenue to Clinton Street, along said street to Centre Street, along said street to Hamilton Avenue, along said avenue to West 9th Street, along said street to the Gowanus Canal, along said canal to 2nd Avenue, along said avenue to __th Street, along said street to 3rd Avenue, along said avenue to lst Street, along said street to Denton Place, along said place to Carroll Street, along said street to 3rd Avenue, along said avenue to Union Street, along said street to Nevins Street, along said street to Degraw Street, along said street to Bond Street, along said street to Douglass Street, along said street to Hoyt Street, along said street to Butler Street, along said street to Court Street, along said street to Baltic Street, along said street to Smith Street, along said street to Warren Street, along said street to Hoyt Street, along said street to Wyckoff Street, along said street to Bond Street, along said street to Warren Street, along said street to Nevins Street, along said street to Pacific Street, along said street to 4th Avenue, along said avenue to Sterling Place, along said place to 5th Avenue, along said avenue to DeGraw Street, along said street to __th Avenue, along said avenue to Sackett Street, along said street to 5th Avenue, along said avenue to Carroll Street, along said street to 4th Avenue, along said avenue to lst Street, along said street to 5th Avenue, along said avenue to 4th Street, along said street to 6th Avenue, along said avenue to 5th Street, along said street to 5th Avenue, along said avenue to 7th Street, along said street to 4th Avenue, along said avenue to 8th Street, along said street to 3rd Avenue, along said avenue to 9th Street, along said street to 5th Avenue, along said avenue to 10th Street, along said street to 3rd Avenue, along said avenue to 5th Avenue, along said avenue to 11th Street, along said street to 6th Avenue, along said avenue to 12th street, along said street to 7th Avenue, along said avenue to 13th Street, along said street to 6th Avenue,

along said avenue to 14th Street, along said street to 7th Avenue, along said avenue to 15th Street, along said street to Prospect Park West, along Prospect Park West to 16th street, along said street to 7th avenue, along said avenue to Windsor Place, along said place to 8th Avenue, along said avenue to Prospect Avenue, along said avenue to 10th Avenue, along said avenue to 17th Street, along said street to 7th Avenue, along said avenue to 20th Street, along said street to McDonald Avenue, along said avenue to Fort Hamilton Parkway, along said parkway to 37th Street, along said street to 14th Avenue, along said avenue to 41st Street, along said street to 13th Avenue, along said avenue to 39th Street, along said street to 12th Avenue, along said avenue to 38th Street, along said street to Fort Hamilton Parkway, along said parkway to 40th Street, along said street to New Utrecht Avenue, along said avenue to 39th Street, along said street to 10th Avenue, along said avenue to the New York City Transit Authority subway line (West End line), along said subway line to 9th Avenue, along said avenue to 41st Street, along said street to 10th Avenue, along said avenue to 42nd Street, along said street to Foct Hamilton Parkway, along said parkway to New Utrecht Avenue, along said avenue to 47th Street, along said street to 11th Avenue, along said avenue to 46th Street, along said street to 10th Avenue, along said avenue to 43rd Street, along said street to 8th Avenue, along said avenue to 46th Street, along said street to 7th Avenue, along said avenue to 47th Street, along said street to 8th Avenue, along said avenue to 48th Street, along said street to 7th Avenue, along said avenue to 50th Street, along said street to 8th Avenue, along said avenue to 52nd Street, along said street to 7th Avenue, along said avenue to 55th Street, along said street to 6th Avenue, along said avenue to 58th Street, along said street to 5th Avenue, along said avenue to 62nd Street, along said street to 4th Avenue, along said avenue to 61st Street, along said street to 3rd Avenue, along said avenue to the ramp of the Gowanus Expressway, along

said ramp to 63rd Street, along said street to 4th Avenue, along said avenue to 65th Street, along said street to 2nd Avenue, the point of beginning.

52. Fifty-second district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Hudson Avenue Extended meets the East River, thence along a line extended to Little Street Extended, along said extension to York Street, along said street to Bridge Street, along said street to Prospect Street, along said street to the Brooklyn-Queens Expressway, along said expressway to Bridge Street, along said street to Flushing Avenue, along said avenue to Jay Street, along said street to Fulton Street, along said street to Flatbush Avenue, along said avenue to Lafayette Avenue, along said avenue to Saint Felix Street, along said street to Hanson Place, along said place to Ashland Place, along said place to Flatbush Avenue, along said avenue to Atlantic Avenue, along said avenue to Fifth Avenue, along said avenue to Pacific Street, along said street to Sixth Avenue, along said avenue to Dean Street, along said street to Flatbush Avenue, along said avenue to Sergen Street, along said street to 5th Avenue, along said avenue to Saint Marks Avenue, along said avenue to Flatbush Avenue, along said avenue to Prospect Place, along said place to 6th Avenue, along said avenue to Sterling Place, along said place to Fourth Avenue, along said avenue to Pacific Street, along said street to Nevins Street, along said street to Warren Street, along said street to Bond Street, along said street to Wyckoff Street, along said street to Hoyt Street, along said street to Warren Street, along said street to Smith Street, along said street to Baltic Street, along said street to Court Street, along said street to Butler Street, along said street to Hoyt Street, along said street to Douglass Street, along said street to Bond Street, along said street to DeGraw Street, along said street to Nevins Street, along said street to Union Street, along said street to Third Avenue, along said avenue to

Carroll Street, along said street to Denton Place, along said place to lst Street, along said street to 3rd Avenue, along said avenue to 6th Street, along said street to 2nd Avenue, along said avenue to the Gowanus Canal, along said canal to West 9th Street, along said street to Hamilton Avenue, along said avenue to Centre Street, along said street to Clinton Street, along said street to Hamilton Avenue, along said avenue to Loquer Street, along said street to Columbia Street, along said street to Hamilton Avenue, along said avenue to Richards Street, along said street to Bearing Street, along said street to Van Brunt Street, along said street to Pioneer Street, along said street to Conover Street, along said street to King Street, along said street to Ferris Street, along said street to Dikeman Street, along said street to Conover Street, along said street to Van Dyke Street, along said street to Van Brunt Street, along said street to Beard Street, along said street to Halleck Street, along said street to Columbia Street, along said street to Bay Street, along said street to Bay Street Extended, along said extension to the west bank of the Gowanus Canal, along said bank to Hamilton Avenue, along said avenue to 14th Street, along said street to 3rd Avenue, along said avenue to 15th Street, along said street to Hamilton Avenue, along said avenue to a point where lt intersects 18th Street and Third Avenue, along said avenue to 23rd Street, along said street to Fourth Avenue, along said avenue to 24th Street, along said street to Third Avenue, along said avenue to 25th Street, along said street to Fourth Avenue, along said avenue to 26th Street, along said street to Third Avenue, along said avenue to 36th Street, along said street to Second.Avenue, along said avenue to 54th Street, along said street to First Avenue, along said avenue to 55th Street, along said street to Second Avenue, along said avenue to 56th Street, along said street to First Avenue, along said avenue to 57th Street, along said street to Second Avenue, along said avenue to 65th Street, along said street to Fourth Avenue, along said avenue to 63rd Street, along said

street to Third Avenue, along said avenue to 61st Street, along said street to Fourth Avenue, along said avenue to 62nd Street, along said street to Fifth Avenue, along said avenue to 59th Street, along said street to Sixth Avenue, along said avenue to 65th Street, along said street to Seventh Avenue, along said avenue to 67th Street, along said street to Sixth Avenue, along said avenue to 81st Street, along said street to Fifth Avenue, along said avenue to 80th Street, along said street to Third Avenue, along said avenue to 81st Street, along said street to Ridge Boulevard, along said boulevard to 84th Street, along said street to Third Avenue, along said avenue to 87th Street, along said street to Ridge Boulevard, along said boulevard to Marine Avenue, along said avenue to 96th Street, along said street to Third Avenue, along said avenue to 101st Street, along said street to 101st Street extended, along said extended street to the Verrarano Narrows Bridge, along said bridge to the Kings county border, northerly along said border to a point where lt intersects with a line extended from Hudson Avenue, along said extension to a point that meets the East River, the point of beginning.

53. Fifty-third district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Manhattan Avenue intersects the Queens county line, along said avenue to Commercial Street, along said street to West Street, along said street to Freeman Street, along said street to Franklin Street, along said street to Green Street, along said street to West Street, along said street to Milton Street, along said street to Franklin Street, along said street to Huron Street, along said street to Provost Street, along said street to Java Street, along said street to McGuinness Boulevard, along said boulevard to Greenpoint Avenue, along said avenue to North Henry Street, along said street to Norman Avenue, along said avenue to Morgan Avenue, along said avenue to Nassau Avenue, along said avenue to Van Dam Street, along said street to Meeker

Avenue, along said avenue to Driggs Avenue, along said avenue to Sutton Street, along said street to Meeker Avenue, along said avenue to Kingsland Avenue, along said avenue to Lombardy street, along said street to Morgan Avenue, along said avenue to Beadel Street, along said street to Vandervoort Avenue, along said avenue to Lombardy Street, along said street to Porter Avenue along said avenue to Division Place, along said place to Debevoise Avenue, along said avenue to Frost Street, along said street to Kingsland Avenue, along said avenue to Jackson Street, along said street to Woodpoint Road, along said road to Skillman Avenue, along said avenue to Humbolt Street, along said street to Conselyea Street, along said street to Woodpoint Road, along said road to Metropolitan Avenue, along said avenue to Manhattan Avenue, along said avenue to Conselyea Street, along said street to Union Avenue, along said avenue to Hope Street, along said street to Keap Street, along said street to Alnslie Street, along said street to Rodney Street, along said street to Metropolitan Avenue, along said avenue to Havemeyer Street, along said street to Hope Street, along said street to Roebling Street, along said street to Metropolitan Avenue, along said avenue to Driggs Avenue, along said avenue to North First Street, along said street to Berry Street, along said street to South 8th Street, along said street to Bedford Avenue, along said avenue to South 5th Street, along said street to Driggs Avenue, along said avenue to South 9th Street, along said street to Havemeyer Street, along said street to South 5th Street, along said street to Marcy Avenue, along said avenue to Broadway, along Broadway to the Brooklyn-Queens Expressway, along said expressway to Division Avenue, along said avenue to Keap Street, along said street to Broadway, along Broadway to Hewes Street, along said street to Harrison Avenue, along said avenue to Penn Street, along said street to Broadway, along Broadway to Montrose Avenue, along said avenue to Lorimer Street, along said street to Boerum Street, along said street to Broadway,

along Broadway to Hayward Street, along said street to Harrison Avenue, along said avenue to Middleton Street, along said street to Throop Avenue, along said avenue to Broadway, along Broadway to Varet Street, along said street to Manhattan Avenue, along said avenue to Boerum Street, along said street to Graham Avenue, along said avenue to Montrose Avenue, along said avenue to Humbolt Street, along said street to Flushing Avenue, along said avenue to Bushwick Avenue, along said avenue to Noll Street, along said street to Evergreen Avenue, along said avenue to Melrose Street, along said street to Central Avenue, along said avenue to Gates Avenue, along said avenue to the Queens county line, northerly along said county line to its intersection with Manhattan Avenue, the point of beginning.

54. Fifty-fourth district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Jamaica Avenue intersects Eldert Lane (Queens/Kings county boundary), thence southerly along said border to Forbell Street, along said street to McKinley Avenue, along said avenue to Eldert Lane, along said lane to A. P., along A. P. to Glenmore Avenue, along said avenue to Grant Avenue, along said avenue to Pitkin Avenue, along said avenue to North Conduit Avenue, along said avenue to Sheridan Avenue, along said avenue to Glenmore Avenue, along said avenue to Lincoln Avenue, along said avenue to North Conduit Avenue, along said avenue to Hemlock Street, along said street to Liberty Avenue, along said avenue to Euclid Avenue, along said avenue to Glenmore Avenue, along said avenue to Crystal Street, along said street to Liberty Avenue, along said avenue to Fountain Avenue, along said avenue to Atlantic Avenue, along said avenue to Logan Street, along said street to Glenmore Avenue, along said avenue to Fountain Avenue, along said avenue to Pitkin Avenue, along said avenue to Logan Street, along said street to Belmont

Avenue, along said avenue to Milford Street, along said street to Atlantic Avenue, along said avenue to Montauk Avenue, along said avenue to Liberty Avenue, along said avenue to Atkins Avenue, along said avenue to Glenmore Avenue, along said avenue to Essex Street, along said street to Pitkin Avenue, along said avenue to Linwood Street, along said street to Glenmore Avenue, along said avenue to Elton Street, along said street to Pitkin Avenue, along said avenue to Ashford Street, along said street to Belmont Avenue, along said avenue to Warwick Street, along said street to Glenmore Avenue, along said avenue to Jerome Street, along said street to Pitkin Avenue, along said avenue to Schenck Avenue, along said avenue to Glenmore Avenue, along said avenue to Barbey Street, along said street to Liberty Avenue, along said avenue to Schenck Avenue, along said avenue to Atlantic Avenue, along said avenue to Van Siclen Avenue, along said avenue to Liberty Avenue, along said avenue to Miller Avenue, along said avenue to Glenmore Avenue, along said avenue to Vermont Avenue, along said avenue to Atlantic Avenue, along said avenue to New Jersey Avenue, along said avenue to Fulton Street, along said street to Pennsylvania Avenue, along said avenue to Atlantic Avenue, along said avenue to Sheffield Avenue, along said avenue to Fulton Street, along said street to Georgia Avenue, along said avenue to Liberty Avenue, along said avenue to New Jersey Avenue, along said avenue to Sutter Avenue, along said avenue to Wyona Street, along said street to Blake Avenue, along said avenue to Pennsylvania Avenue, along said avenue to Pitkin Avenue, along said avenue to Sheffield Avenue, along said avenue to Sutter Avenue, along said avenue to Hinsdale Street, along said street to Pitkin Avenue, along said avenue to Alabama Avenue, along said avenue to Glenmore Avenue, along said avenue to Williams Avenue, along said avenue to Liberty Avenue, along said avenue to Junius Street, along said street to Pitkin Avenue, along said avenue to Powell Street, along

said street to Glenmore Avenue, along said avenue to Christopher Avenue, along said avenue to Liberty Avenue, along said avenue to Powell Street, along said street to East New York Avenue, along said avenue to Bergen Street, along said street to Eastern Parkway, along said parkway to Pacific Street, along said street to Rockaway Avenue, along said avenue to Atlantic Avenue, along said avenue to Eastern Parkway, along said parkway to Herkimer Street, along said street to Sackman Street, along said street to Eastern Parkway Extension, along said extension to Stone Avenue (Mother Gasten Boulevard), along said avenue to McDougal Street, along said street to Aberdeen Street, along said street to Bushwick Avenue, along said avenue to Furman Avenue, along said avenue to P.A. Railroad, along said railroad to Evergreen Avenue, along said avenue to Chauncey Street, along said street to Central Avenue, along said avenue to P.A. Railroad, along said railroad to Wilson Avenue Extended, along said extension to Decatur Street, along said street to Central Avenue, along said avenue to Hancock Street, along said street to Wilson Avenue, along said avenue to Jefferson Avenue, along said avenue to Central Avenue, along said avenue to Madison Street, along said street to Bushwick Avenue, along said avenue to Woodbine Street, along said street to Evergreen Avenue, along said avenue to Palmetto Street, along said street to Bushwick Avenue, along said avenue to Grove Street, along said street to Broadway, along Broadway to Greene Avenue, along said avenue to Bushwack Avenue, along said avenue to Van Buren Street, along said street to Broadway, along Broadway to Lafayette Avenue, along said avenue to Bushwack Avenue, along said avenue to Kossuth Place, along said place to Broadway, along Broadway to Lafayette Avenue, along said avenue to Malcolm X Boulevard (Reid Avenue), along said boulevard to DeKalb Avenue, along said avenue to Stuyvesant Avenue, along said avenue to Pulaski Street, along said street to Malcolm X Boulevard (Reid

Avenue), along said boulevard to Broadway, along Broadway to Lawton Street, along said street to Bushwack Avenue, along said avenue to Hart Street, along said street to Broadway, along Broadway to Hart Street, along said street to Stuyvesant Street, along said street to Vernon Avenue, along said avenue to a point one-third of the way between Lewis Avenue and Marcus Garvey Boulevard (Sumner Avenue), thence northerly along a line extended to Myrtle Avenue, along said avenue to Lewis Avenue, along said avenue to Broadway, along Broadway to Park Avenue, along said avenue to Marcus Garvey Boulevard (Sumner Avenue), along said boulevard to Broadway, along Broadway to Flushing Avenue, along said avenue to Throop Avenue, along said avenue to Vernon Avenue, along said avenue to Marcus Garvey Boulevard (Sumner Avenue), along said boulevard to DeKalb Avenue, along said avenue to Throop Avenue, along said avenue to Willoughby Avenue, along said avenue to Tompkins Avenue, along said avenue to DeKalb Avenue, along said avenue to Marcy Avenue, along said avenue to Flushing Avenue, along said avenue to Nostrand Avenue, along said avenue to Myrtle Avenue, along said avenue to Sandford Street, along said street to Willoughby Avenue, along said avenue to Nostrand Avenue, along said avenue to DeKalb Avenue, along said avenue to Walworth Street, along said street to Willoughby Avenue, along said avenue to Spencer Street, along said street to Park Avenue, along said avenue to Bedford Avenue, along said avenue to Willoughby Avenue, along said avenue _____ Avenue, along said avenue to DeKalb Avenue, along said avenue to Classon Avenue, along said avenue to Park Avenue, along said avenue to Taaffe Place, along said place to Flushing Avenue, along said avenue to Franklin Avenue, along said avenue to Park Avenue, along said avenue to Skillman Street, along said street to Flushing Avenue, along said avenue to Bedford Avenue, along said avenue to Lynch Street, along said street to Harrison Avenue, along said avenue to Middleton Street,

along said street to Broadway, along Broadway to Varet Street, along said street to Manhattan Avenue, along said avenue to Boerum Street, along said street to Graham Avenue, along said avenue to Montrose Avenue, along said avenue to Humboldt Street, along said street to Flushing Avenue, along said avenue to Bushwack Avenue, along said avenue to Noll Street, along said street to Evergreen Avenue, along said avenue to Melrose Street, along said street to Central Avenue, along said avenue to Gates Avenue, along said avenue to the Queens/Kings county border thence following the Queens/Kings county border through Cypress Hills Cemetery, to the intersection of Jamaica Avenue and Eldert Lane, the point of beginning.

55. Fifty-fifth district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Kingston Avenue intersects Lincoln Place, thence easterly along Lincoln Place to Rochester Avenue, along said avenue to Pacific Street, along said street to Ralph Avenue, along said avenue to Atlantic Avenue, along said avenue to Prescott Place, along said place to Herklmec Street, along said street to Howard Avenue, along said avenue to Fulton Street, along said street to Patchen Avenue, along said avenue to Lexington Avenue, along said avenue to Broadway, along Broadway to Grove Street, along said street to Bushwick Avenue, along said avenue to Palmetto Street, along said street to Evergreen Avenue, along said avenue to Woodbine Street, along said street to Bushwack Avenue, along said avenue to Madison Street, along said street to Central Avenue, along said avenue to Jefferson Avenue, along said avenue to Wilson Avenue, along said avenue to Hancock Street, along said street to Central Avenue, along said avenue to Decatur Street, along said street to Wilson Avenue, along said avenue to the tracks of the Long Island Rail Road (Bay Ridge Branch), along said tracks to Chauncey Street, along said street to Evergreen Avenue, along said

avenue to the tracks of the Long Island Rail Road (Bay Ridge Branch), along said tracks to Furman Avenue, along said avenue to Bushwick Avenue, along said avenue to Aberdeen Street, along said street to Broadway, along Broadway to McDougal Street, along said street to Mother Gaston Boulevard, along said boulevard to Eastern Parkway Extension, along said extension to Sackman Street, along said street to Heckimer Street, along said street to Eastern Parkway, along said parkway to Atlantic Avenue, along said avenue to Rockaway Avenue, along said avenue to Pacific Street, along said street to Eastern Parkway, along said parkway to Bergen Street, along said street to East New York Avenue, along said avenue to Powell Street, along said street to Liberty Avenue, along said avenue to Christopher Avenue, along said avenue to Glenmore Avenue, along said avenue to Powell Street, along said street to Pitkin Avenue, along said avenue to Junlus Street, along said street to Blake Avenue, along said avenue to Mother Gaston Boulevard, along said boulevard to Livonia Avenue, along said avenue to Thatford Avenue, along said avenue to Riverdale Avenue, along said avenue to Bristol Street, along said street to Livonia Avenue, along said avenue to Hopkinson Avenue, along said avenue to Riverdale Avenue, along said avenue to Herzl Street, along said street to Livonia Avenue, along said avenue to Strauss Street, along said street to Riverdale Avenue, along said avenue to East 98th Street, along said street to Rings Highway, along said highway to East 96th Street, along said street to Clarkson Avenue, along said avenue to Rockaway Parkway, along said parkway to Winthrop Street, along said street to East 96th Street, along said street to Rutland Road, along said road to East 94th Street, along said street to East New York Avenue, along said avenue to Ford Street, along said street to Crown Street, along said street to Rochester Avenue, along said avenue to President Street, along said street to Utica Avenue, along said avenue to Eastern Parkway,

along said parkway to Kingston Avenue, along said avenue to its intersection with Lincoln Place, the point of beginning.

56. Fifty-sixth district. That part of the county of Rings bounded by a line described as follows: Beginning at a point where Willoughby Avenue and Franklin Avenue intersect, thence southerly on Franklin Avenue to Lafayette Avenue, along said avenue to Nostrand Avenue, along said avenue to Quincy Street, along said street to Bedford Avenue, along said avenue to Monroe Street, along said street to Nostrand Avenue, along said avenue to Macon Street, along said street to Arlington Place, along said place to Halsey Street, along said street to Bedford Avenue, along said avenue to Fulton Street, along said street to Grand Avenue, along said avenue to Lefferts Place, along said place to Classon Avenue, .along said avenue to Sterling Place, along said place to the tracks of the New York City Transit Authority Subway (Franklin Avenue Shuttle)/ along said subway to Atlantic Avenue, along said avenue to Nostrand Avenue, along said avenue to Herkimer Street, along said street to New York Avenue, along said avenue to Atlantic Avenue, along said avenue to Kingston Avenue, along said avenue to Lincoln Place, along said place to Rochester Avenue, along said avenue to Pacific Street, along said street to Ralph Avenue, along said avenue to Atlantic Avenue, along said avenue to Prescott Place, along said place to Herkimer Street, along said street to Howard Avenue, along said avenue to Fulton Street, along said street to Patchen Street, along said street to Lexington Avenue, along said avenue to Broadway, along Broadway to Greene Avenue, along said avenue to Bushwick Avenue, along said avenue to Van Buren Street, along said street to Broadway, along Broadway to Lafayette Avenue, along said avenue to Bushwick Avenue, along said avenue to Kossuth Place, along said place to Lafayette Avenue, along said avenue to Reid Avenue (Malcolm X Boulevard), along said avenue to

DeKalb Avenue, along said avenue to Stuyvesant Avenue, along said avenue to Pulaski Street, along said street to Lawton Street, along said street to Bushwack Avenue, along said avenue to Hart Street, along said street to Stuyvesant Avenue, along said avenue to Vernon Avenue, along said avenue to a point one-third of the way between Lewis Avenue and Marcus Garvey Boulevard (Sumner Avenue, thence northerly along a line extended to Myrtle Avenue, along said avenue to Lewis Avenue, along said avenue to Broadway, along Broadway to Park Avenue, along said avenue to Marcus Garvey Boulevard (Sumner Avenue), along said boulevard to Broadway, along Broadway to Flushing Avenue, along said avenue to Throop Avenue, along said avenue to Vernon Avenue, along said avenue to Marcus Garvey Boulevard (Sumner Avenue), along said boulevard to DeKalb Avenue, along said avenue to Throop Avenue, along said avenue to Willoughby Avenue, along said avenue to Tompkins Avenue, along said avenue to DeKalb Avenue, along said avenue to Marcy Avenue, along said avenue to Flushing Avenue, along said avenue to Nostrand Avenue, along said avenue to Myrtle Avenue, along said avenue to Sandford Street, along said street to Willoughby Avenue, along said avenue to Nostrand Avenue, along said avenue to DeKalb Avenue, along said avenue to Walworth Street, along said street to Willoughby Avenue, along said avenue to Spencer Street, along said street to Park Avenue, along said avenue to Bedford Avenue, along said avenue to Willoughby Avenue, along said avenue to its intersection with Franklin Avenue, the point of beginning.

57. Fifty-seventh district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Willoughby Avenue and Franklin Avenue intersect, thence southerly along Franklin Avenue to Lafayette Avenue, along said avenue to Nostrand Avenue, along said avenue to Quincy Street,

along said street to Bedford Avenue, along said avenue to Monroe Street, along said street to Nostrand Avenue, along said avenue to Macon Street, along said street to Atlington Place, along said place to Halsey Street, along said street to Bedford Avenue, along said avenue to Fulton Street, along said street to Grand Avenue, along said avenue to Leiferts Place, along said place to Classon Avenue, along said avenue to Sterling Place, along said place to New York City Transit Authority Subway (Franklin Avenue Shuttle), along said subway to Atlantic Avenue, along said avenue to Nostrand Avenue, along said avenue to Herkimer Street, along said street to New York Avenue, along said avenue to Dean Street, along said street to Bedford Avenue, along said avenue to Bergen Street, along said street to Rogers Avenue, along said avenue to Crown Street, along said street to Nostrand Avenue, along said avenue to Sterling Street, along said street to Bedford Avenue, along said avenue to Lefferts Avenue, along said avenue to Washington Avenue, along said avenue to Flatbush Avenue, along said avenue to Parkside Avenue, along said avenue to Ocean Avenue, along said avenue to Flatbush Avenue, along said avenue to Plaza Street East, along said street to Saint Johns Place, along said place to Underhill Avenue, along said avenue to Sterling Place, along said place to 7th Avenue, along said avenue to St. Johns Place, along said place to 8th Avenue, along said avenue to Berkeley Place, along said place to 6th Avenue, along said avenue to 2nd Street, along said street to 5th Avenue, along said avenue to lst Street, along said street to 4th Avenue, along said avenue to Carroll Street, along said street to 5th Avenue, along said avenue to Sackett Street, along said street to 4th Avenue, along said avenue to DeGraw Street, along said street to 5th Avenue, along said avenue to Sterling Place, along said place to 6th Avenue, along said avenue to Prospect Place, along said place to Flatbush Avenue, along Flatbush Avenue to Saint Marks Avenue, along said avenue to 5th Avenue, along said avenue to Bergen

Street, along said street to Flatbush Avenue, along said avenue to Dean Street, along said street to 6th Avenue, along said avenue to Pacific Street, along said street to 5th Avenue, along said avenue to Atlantic Avenue, along said avenue to Flatbush Avenue, along said avenue to Hanson Place, along said place to Saint Fellx Street, along said street to Lafayette Avenue, along said avenue to Flatbush Avenue, along said avenue to Fulton Street, along said street to Lafayette Avenue, along said avenue to South Portland Avenue, along said avenue to DeKalb Avenue, along said avenue to Carlton Avenue, along said avenue to Lafayette Avenue, along said avenue to Adelphi Street, along said street to DeKalb Avenue, along said avenue to Hall Street, along said street to Myrtle Avenue, along said avenue to Emerson Place, along said place to Willoughby Avenue, along said avenue to Classon Avenue, along said avenue to Dekalb Avenue, along said avenue to Kent Avenue, along said avenue to Willoughby Avenue, along said avenue to its intersection with Franklin Avenue, the point of beginning.

58. Fifty-eighth district. That part of the county of Kings bounded by a line described as follows: Beginning at a point where Glenwood Road intersects East 46th Street, thence northerly along said street to Clarendon Road, along said road to East 48th Street, along said street to Cottelyou Road, along said road to Utica Avenue, along said avenue to Clarendon Road, along said road to East 53rd Street, along said street to Beverley Road, along said road to East 52nd Street, along said street to Tilden Avenue, along said avenue to Ralph Avenue, along said avenue to Church Avenue, along said avenue to East 91st Street, along said street to Avenue A, along said avenue to East 93rd Street, along said street to Foster Avenue, along said avenue to East 94th Street, along said street to Farragut Road, along said road to East 96th Street, along said street to Conklin Avenue, along said avenue to East 99th Street,

along said street to Flatlands Avenue, along said avenue to East 98th Street, along said street to Truckleman's Lane, along said lane to Rockaway Parkway, along said parkway to Avenue K, along said avenue to East 105th Street, along said street to Flatlands 3rd Street, along said street to East 108th Street, along said street to Flatlands Avenue, along said avenue to Williams Avenue, along said avenue to Stanley Avenue, along said avenue to East 108th Street, along said street to Farragut Road, along said road to East 105th Street, along said street to Stanley Avenue, along said avenue to East 96th Street, along said street to Krier Place, along said place to Rockaway Parkway, along said parkway to the tracks of the Long Island Rail Road (Bay Ridge Branch), along said railroad to East 98th Street, along said street to Ditmas Avenue, along said avenue to Bristol Street, along said street to Linden Boulevard, along said boulevard to Rockaway Avenue, along said avenue to Hegeman Avenue, along said avenue to East 98th Street, along said street to Church Avenue, along said avenue to Rockaway Parkway, along said parkway to Willmohr Street, along said street to East 98th Street, along said street to Kings Highway, along said highway to East 96th Street, along said street to Clarkson Avenue, along said avenue to Rockaway Parkway, along said parkway to Winthtop Street, along said street to East 96th street, along said street to Rutland Road, along said road to East 94th Street, along said street to East New York Avenue, along said avenue to Utica Avenue, along said avenue to Rutland Road, along said road to East 49th Street, along said street to Winthrop Street, along said street to Utica Avenue, along said avenue to Clarkson Avenue, along said avenue to East 40th Street, along said street to Linden Boulevard, along said boulevard to Brooklyn Avenue, along said avenue to Church Avenue, along said avenue to New York Avenue, along said avenue to Snyder Avenue, along said avenue to Brooklyn Avenue, along said avenue to the western boundary of Holy Cross cemetery, along said

boundary to Beverley Road, along said road to Brooklyn Avenue, along said avenue to Cortelyou Road, along said road to East 35th Street, along said street to Clarendon Road, along said road to New York Avenue, along said avenue to Cortelyou Road, along said road to Raleigh Place, along said place to Avenue D, along said avenue to Nostrand Avenue, along said avenue to Newkirk Avenue, along said avenue to East 28th Street, along said street to Farragut Road, along said road to Kenilworth Place, along said place to Glenwood Road, along said road to Flatbush Avenue, along said avenue to Glenwood Road, along said road to New York Avenue, along said avenue to Avenue H, along said avenue to East 38th Street, along said street to Glenwood Road, along said road to East 46th Street, the point of beginning.

59. Fifty-ninth district. That part of the County of Richmond bounded by a line described as follows: Beginning at a point on the Goethals Bridge, thence easterly along said bridge to Western Avenue, northerly along said avenue to Goethals Road North, along said toad to Forest Avenue, along said avenue to South Avenue, southerly along said avenue to Merrill Avenue, along said avenue to Richmond Avenue, along said avenue to Rockland Avenue, along said avenue to Forest Hill Road, along said road to Pilcher Street, along said street to Colonial Avenue, along said avenue to Steers Street, along said street to Forest Hill Road, along said road to Willowbrook Road, along said road to Hall Avenue, along said avenue to Canterbury Avenue, along said avenue to Darcey Avenue, along said avenue to Gannon Avenue South, along said avenue to Willowbrook Road, northerly along said road to Gannon Avenue North, along said avenue to Neptune Place, along said place to Willowbrook Road, northerly along said road to Auburn Avenue, along said avenue to Woodward Avenue, along said avenue to Victory Boulevard, along said boulevard to O'Connor Avenue,

along said avenue to Marble Street, along said street to Demorest Avenue, along said avenue to Watchogue Road, along said road to Fisk Avenue, along said avenue to Waters Avenue, along said avenue to Wardwell Avenue, along said avenue to Markham Place, along said place to Jewett Avenue, along said avenue to Victory Boulevard, along said boulevard to Little Clove Road, along said road Narrows Road North, along said road to Clove Road, along said road to Victory Boulevard, along said boulevard to Austin Place, along said place to Ward Avenue, along said avenue to Occident Avenue, along said avenue to St. Pauls Avenue, along said avenue to Beach Street, along said street to VanDuzer Street, along said street to Hillside Avenue, along said avenue to the point where Hillside Avenue, Vanderbilt Avenue and Targee Street meet, proceed southerly on Targee Street to I-278, along I-278 to Mosel Avenue, along said avenue to Narrows Road South, along said road to Britton Avenue, along said avenue to Clove Road, along said road to Mosel Avenue, along said avenue to Grasmere Avenue, along said avenue to the Staten Island Rapid Transit Railroad, along the Staten Island Rapid Transit Railroad to Narrows Road South, along said road to Hylan Boulevard southbound, southerly along said boulevard which becomes Steuben Street, along said street to Brady Place, northeasterly along said place to Olga Place, easterly along said place to Hylan Boulevard, southerly along said boulevard to Legion Place, along said place to Narrows Road South, westerly along said road to Hylan Boulevard Northbound, along said boulevard to Narrows Road North, along said road to the Staten Island Rapid Transit Railroad, northerly along the Staten Island Rapid Transit Railroad to Edgewater Street, along said street to Clifton Avenue, along a line extended eastward from Clifton Avenue to the county line, north along said line to the state border along the Kill Van Kull, follow border west, then south to the Goethals Bridge, the point of beginning.

60. Sixtieth district. That part of the County of Richmond bounded by a line described as follows: Beginning at a point on the Goethals Bridge, thence easterly along said bridge to Western Avenue, northerly along said avenue to Goethals Road North, along said road to Forest Avenue, along said avenue to South Avenue, southerly along said avenue to Merrill Avenue, along said avenue to Richmond Avenue, along said avenue to Rockland Avenue, along said avenue to Forest Hill Road, along said road to Pilcher Street, along said street to Colonial Avenue, along said avenue to Steers Street, along said street to Forest Hill Road, along said road to Willowbrook Road, along said road to Hall Avenue, along said avenue to Canterbury Avenue, along said avenue to Datcey Avenue, along said avenue to Gannon Avenue South, along said avenue to Willowbrook Road, northerly along said road to Gannon Avenue North, along said avenue to Neptune Place, along said place to Willowbrook Road, northerly along said road to Auburn Avenue, along said avenue to Woodward Avenue, along said avenue to Victory Boulevard, along said boulevard to O'Connor Avenue, along said avenue to Marble Street, along said street to Demorest Avenue, along said avenue to Watchogue Road, along said road to Fisk Avenue, along said avenue to Waters Avenue, along said avenue to Wardwell Avenue, along said avenue to Markham Place, along said place to Jewett Avenue, along said avenue to Victory Boulevard, along said boulevard to Little Clove Road, along said road to Narrows Road North, along said road to Clove Road, along said road to Victory Boulevard, along said boulevard to Austin Place, along said place to Ward Avenue, along said avenue to Occident Avenue, along said avenue to St. Pauls Avenue, along said avenue to Beach Street, along said street to VanDuzer Street, along said street to Hillside Avenue, along said avenue to the point where Hillside Avenue, Vanderbilt Avenue and Targee Street meet, proceed southerly on Targee Street to I-278, along I-278

to Mosel Avenue, along said avenue to Narrows Road South, along said road to Britton Avenue, along said avenue to Clove Road, along said road to Mosel Avenue, along said avenue to Grasmere Avenue, along said avenue to the Staten Island Rapid Transit Railroad, along said railroad to Narrows Road South, along said road to Hylan Boulevard Southbound, southerly along said boulevard which becomes Steuben Street, along said street to Brady Place, northeasterly along said place to Olga Place, easterly along said place to Hylan Boulevard, southerly along said boulevard to Legion Place, along said place to Nartows Road South, westerly along said road to Hylan Boulevard Northbound, along said boulevard to Narrows Road North, along said road to the Staten Island Rapid Transit Railroad, northerly along said railroad to Edgewater Street, along said street to Clifton Avenue, along a line extended eastward from Clifton Avenue to the county line, along said line south to Elm Tree Avenue extended, westerly along said avenue to Father Capadano Boulevard, then northerly along said boulevard to Greeley Avenue, along said avenue to South Railroad Avenue, along said avenue to Bancroft Avenue, along said avenue to North Railroad Avenue, along said avenue to Greeley Avenue, along said avenue to Kruser Street, northerly along said street to Freemont Avenue, along said avenue to Richmond Road, northerly along said road to Four Corners Road, westerly along said road to Todt Hill Road, southerly along said road to Richmond Road, along said road to Arthur Kill Road, southerly along said road to Clark Avenue, westerly along Clark Avenue extended/Richmond Town Road (undeveloped) to Arthur Rill Road, easterly along said road to Armstrong Avenue, southerly along said avenue to Lamoka Avenue, westerly along said avenue to Ridgewood Avenue, along said avenue to Wilson Avenue, westerly along said avenue to Eltingville Boulevard, along said boulevard to Richmond Avenue, northerly along said avenue to Petrus Avenue, along said avenue to Wainwright Avenue, along

said avenue to Lamoka Avenue, easterly along said avenue to Richmond Avenue, northerly along said avenue to Arthur Kill Road, westerly along said road to Token Street, along said street to Futurity Place, along said place to Arthur Hill Road, continue east along said road to a line extended south along the western edge of the second offshoot of Richmond Creek, then north along said line to the southern border of Richmond Creek, then continue west along the southern border of Richmond Creek to the West Shore Expressway, southwesterly along said expressway to Arden Avenue, southerly along said avenue to Vespa Avenue, along said avenue which becomes Rosedale Avenue, along a line extended to Russek Drive, along said drive to Avon Green Drive, along said drive to Huguenot Avenue, along said avenue to Arthur Kill Road, northwesterly along said road to the West Shore Expressway service Road Extended, along said extension to the state border, northerly along said border to the Goethals Bridge, the point of beginning.

61. Sixty-first district. That part of the county of Richmond bounded by a line described as follows: Beginning at a point where the state border meets the West Shore Expressway Service Road Extended, along said extension to Arthur Kill Road, southeasterly along said road to Huguenot Avenue, along said avenue to Avon Green Drive, along said drive to Russek Drive, along a line extended to Rosedale Avenue, along said avenue which becomes Vespa Avenue, easterly along said avenue to Arden Avenue, northerly along said avenue to the West Shore Expressway, northerly along said expressway to the southern border of Richmond Creek, easterly along said border to the west side of the second offshoot, from said offshoot to a line extended south to Arthur Kill Road, along said road to Futurity Place, along said place to Token Street, along said street to Arthur Kill Road, easterly along said road to Richmond Avenue, southerly along said avenue to

Lamoka Avenue, westerly along said avenue to Wainwright Avenue, along said avenue to Petrus Avenue, along said avenue to Richmond Avenue, along said avenue to Eltingville Boulevard, along said boulevard to Wilson Avenue, easterly along said avenue to Ridgewood Avenue, along said avenue to Lamoka Avenue, easterly along said avenue to Armstrong Avenue, northerly along said avenue to Arthur Kill Road, along said road to Clark Avenue Extended/Richmond Town Road (undeveloped), along said extension to Arthur Kill Road, along said road to Richmond Road, along said road to Todt Hill Road, northerly along said road to Four Corners Road, easterly along said road to Richmond Road, southerly along said road to Freemont Avenue, along said avenue to Kruser Street, along said street to Greeley Avenue, along said avenue to North Railroad Avenue, along said avenue to Bancroft Avenue, along said avenue to South Railroad Avenue, along said avenue to Greeley Avenue, easterly along said avenue to Father Capadano Boulevard, southerly along said boulevard to Elm Tree Avenue, then easterly along a line extended to the county border, southwesterly along said border to the intersection of the state border at the mouth of the Arthur Kill proceeding northerly along said border to the West Shore Expressway Service Road Extended, the point of beginning.

62. Sixty-second district. That part of the county of New York bounded by a line described as follows. Beginning at a point on the New York/Rings county border where lt intersects with Grand Street Extended, northwesterly along said extension to a point where lt intersects with the shore, northerly along said shore to a point on the Williamsburg Bridge, westerly along said bridge to Columbia Street, along said street to East Houston Street, along said street to Sheriff Street, along said street to Stanton Street, along said street to Bialystoker Place, along said place to Delancey Street,

along said street to Pitt Street, along said street to Stanton Street, along said street to Norfolk Street, along said street to East Houston Street, along said street to Avenue B, along said avenue to East 6th Street, along said street to lst Avenue, along said avenue to East 3rd Street, along said street to 2nd Avenue, along said avenue to East lst Street, along said street to Bowery, along Bowery to Prince Street, along said street to Elizabeth Street, along said street to East Houston Street, along said street to Mulberry Street, along said street to Spring Street, along said street to Lafayette Street, along said street to Broome Street, along said street to Crosby Street, along said street to Howard Street, along said street to Centre Street, along said street to Canal Street, along said street to Cortland Alley, along said alley to White Street, along said street to Lafayette Street, along said street to Centre Street, along said street to Park Row, along said row to a Brooklyn Bridge Ramp connecting Park Row to the Brooklyn Bridge, along said ramp to Rose Street, along said street to Frankfort Street, along said street to Gold Street, along said street to Spruce Street, along said street to William Street Extended, along said extension to William Street, along said street to Ann Street, along said street to Nassau Street, along said street to Fulton Street, along said street to Church Street, along said street to Barclay Street, along said street to Washington Street, along said street to Vesey Street, along said street to North End Avenue, along said avenue to a point where it intersects with the waters of the Hudson River, thence westerly and northerly along said river, excluding any Westside Piers, to a point where the river intersects with Watts Street Extended, westerly along said extension to the state line, thence southerly along said line to the Kings/New York county border, thence southeasterly and northeasterly encompassing Governor's Island, to the Grand Street Extended, the point of beginning, and those areas known as Ellis Island and Liberty Island, each of which is a non-contiguous portion

of this county.

63. Sixty-third district. That part of the county of New York bounded by a line described as follows: Beginning at a point on the New York/Kings county border where lt intersects with Grand Street Extended, thence northwesterly along said extension to a point where it intersects with the shore, northerly along said shore to a point on the Williamsburg Bridge, westerly along said bridge to Columbia Street, along said street to East Houston Street, along said street to Sheriff Street, along said street to Stanton Street, along said street to Bialystoker Place, along said place to Delancey Street, along said street to Pitt Street, along said street to Stanton Street, along said street to Norfolk Street, along said street to East Houston Street, along said street to Avenue B, along said avenue to East 6th Street, along said street to lst Avenue, along said avenue to East 11th Street, along said street to Avenue A, along said avenue to East 12th Street, along said street to lst Avenue, along said avenue to East 15th Street, along said street to 2nd Avenue, along said avenue to East 14th Street, along said street to the intersection of 4th Avenue and East 14th Street, thence extended along the line from said intersection (slightly west of 4th Avenue) to Union Square East, along Union Square East to East 15th Street, along said street to Irving Place, along said place to East 16th Street, along said street to Union Square East/Park Avenue South, along Union Square East/Park Avenue South to East 18th Street, along said street to Irving Place, along said place to East 19th Street, along said street to Park Avenue South, along said avenue to East 24th Street, along said street to Lexington Avenue, along said avenue to East 29th Street, along said street to 3rd Avenue, along said avenue to East 32nd Street, along said street to 2nd Avenue, along said avenue to East 35th Street, along said street to 3rd Avenue, along said avenue to East 36th Street, along said street to lst Avenue, along said avenue to East 38th Street, along

said street to 2nd Avenue, along said avenue to East 45th Street, along said street to lst Avenue, along said avenue to East 41st Street, along said street to East 41st Street Extended, along said extension to the East River Shoreline, thence southerly along said shoreline to a point where it intersects with East 40th Street Extended, along said extension to the Kings/New York county border, thence southerly along said border to Grand Street Extended, the point of beginning.

64. Sixty-fourth district. That part of the county of New York bounded by a line described as follows: Beginning at a point where 11th Avenue (West Side Highway) intersects West 17th Street, along said street to 9th Avenue, along said avenue to West 16th Street, along said street to 7th Avenue, along said avenue to West 15th Street, along said street to Avenue of the Americas, along said avenue to West 19th Street, along said street to 5th Avenue, along said avenue to East 20th Street, along said street to Broadway, along Broadway to East 18th Street, along said street to Irving Place, along said place to East 19th Street, along said street to Park Avenue South, along said avenue to East 24th Street, along said street to Lexington Avenue, along said avenue to East 29th Street, along said street to 3rd Avenue, along said avenue to East 32nd Street, along said street to 2nd Avenue, along said avenue to East 35th Street, along said street to 3rd Avenue, along said avenue to East 36th Street, along said street to lst Avenue, along said avenue to East 38th Street, along said street to 3rd Avenue, along said avenue to East 41st Street, along said street to Madison Avenue, along said avenue to East 45th Street, along said street to Vanderbilt Avenue, along said avenue to East 46th Street, along said street to Madison Avenue, along said avenue to East 59th Street, westerly along said street which becomes Central Park South, along Central Park South to Central Park West, along Central Park West to West 70th Street, along said street to Columbus Avenue, along said

avenue to West 67th Street, along said street to Broadway, along Broadway to Columbus Avenue, along said avenue to West 62nd Street, along said street to Amsterdam Avenue, along said avenue to West 60th Street, along said street to Columbus Avenue which becomes 9th Avenue, along said avenue to West 56th Street, along said street to 8th Avenue, along said avenue to West 52nd Street, along said street to Broadway, along Broadway to West 51st Street, along said street to 9th Avenue, along said avenue to West 52nd Street, along said street to 10th Avenue, along said avenue to West 51st Street, along said street to 11th Avenue, along said avenue to West 47th Street, along said street to 9th Avenue, along said avenue to West 46th Street, along said street to 10th Avenue, along said avenue to West 42nd Street, along said street to 12th Avenue, along said avenue to West 22nd Street, along said street to 11th Avenue (West Side Highway), along said avenue to West 17th Street, the point of beginning.

65. Sixty-fifth district. That part of the county of New York bounded by a line described as follows: Beginning at a point on the New York/Kings county border where it intersects with East 40th Street Extended, along said extension to the East River Shoreline, northerly along said shoreline to East 41st Street Extended, along said extension to East 41st Street, along said street to Franklin D. Roosevelt Drive, thence northerly along said drive to East 57th Street, along said street to lst Avenue, along said avenue to East 58th Street, along said street to Queensboro Bridge Approach, along said approach to East 60th Street, along said street to 2nd Avenue, along said avenue to East 61st Street, along said street to 3rd Avenue, along said avenue to East 62nd Street, along said street to 2nd Avenue, along said avenue to East 67th Street, along said street to lst Avenue, along said avenue to East 68th Street, along said street to 2nd Avenue, along said avenue to East 73rd Street, along said street to 3rd Avenue, along said avenue to East

76th Street, along said street to 2nd Avenue, along said avenue to East 79th Street, along said street to 3rd Avenue, along said avenue to East 83rd Street, along said street to 2nd Avenue, along said avenue to East 86th Street, along said street to 3rd Avenue, along said avenue to East 87th Street, along said street to 2nd Avenue, along said avenue to East 88th Street, along said Street to 3rd Avenue, along said avenue to East 92nd Street, along said street to 2nd Avenue, along said avenue to East 93rd Street, along said street to 3rd Avenue, along said avenue to East 95th Street, along said street to 2nd Avenue, along said avenue to East 96th Street, along said street to lst Avenue, along said avenue to East 92nd Street, along said street to Franklin D. Roosevelt Drive, thence northerly along a line connecting the Franklin D. Roosevelt Drive with East 96th Street, such line is located east of the Franklin D. Roosevelt Drive and west of the East River Shoreline, along said line to East 96th Street Extended, along said extension, to the Kings/New York county border, southerly along said border to East 40th Street Extended, the point of beginning and those areas known as Roosevelt Island and Mill Rock Park, each of which is a noncontiguous portion of this county.

66. Sixty-sixth district. That part of the county of New York bounded by a line described as follows: Beginning at a point on the state line where it intersects with Watts Street Extended in the waters of the Hudson River, thence southerly and easterly along the shore of the Hudson River, including all Westside Piers, to a point where the Hudson River intersects North End Avenue, along said avenue to Vesey Street, along said street to Washington Street, along said street to Barclay Street, along said street to Church Street, along said street to Fulton Street, along said street to Nassau Street, along said street to Ann Street, along said street to William Street, along said street to William Street Extended, along said extension to Spruce Street, along said street

to Gold Street, along said street to Rose Street, along said street to Frankfort Street, along said street to a Brooklyn Bridge Ramp connecting Park Row to the Brooklyn Bridge, along said ramp to Park Row, along said row to Centre Street, along said street to Lafayette Street, along said street to White Street, along said street to Cortland Alley, along said alley to Canal Street, along said street to Centre Street, along said street to Howard Street, along said street to Crosby Street, along said street to Broome Street, along said street to Lafayette Street, along said street to Spring Street, along said street to Mulberry Street, along said street to West Houston Street, along said street to Elizabeth Street, along said street to Prince Street, along said street to Bowery, along Bowery to East lst Street, along said street to 2nd Avenue, along said avenue to East 3rd Street, along said street to lst Avenue, along said avenue to East 11th Street, along said street to Avenue A, along said avenue to East 12th Street, along said street to lst Avenue, along said avenue to East 15th Street, along said street to 2nd Avenue, along said avenue to East 14th Street, along said street to the intersection of 4th Avenue and East 14th Street, thence extended along a line from said intersection (slightly west of 4th Avenue) to Union Square East, along Union Square East to East 15th Street, along said street to Irving Place, along said place to East 16th Street, along said street to Union Square East/Park Avenue South, along said avenue to East 18th Street, along said street to Broadway, along Broadway to East 20th Street, along said street to 5th Avenue, along said avenue to West 19th Street, along said street to Avenue of the Americas, along said avenue to West 15th Street, along said street to 7th Avenue, along said avenue to West 16th Street, along said street to 9th Avenue, along said avenue to West 17th Street, along said street to West Side Highway, southerly along said highway to Little West 12th Street, along said street to Washington Street, along said street to Gansevoort Street, westerly along said street to Gansevoort Street

Extended, along said extension to a point where it intersects with the state line, thence southerly along said fine to a point where it intersects with Watts Street Extended, the point of beginning.

67. Sixty-seventh district. That part of the county of New York bounded by a line described as follows: Beginning at a point on the state line in the waters of the Hudson River where said line intersects with Gansevoort Street Extended, along said extension to Gansevoort Street, along said street to Washington Street, along said street to Little West 12th Street, along said street to West Side Highway (llth Avenue), along said highway to West 22nd Street, along said street to 12th Avenue, along said avenue to West 42nd Street, along said street to 10th Avenue, along said avenue to West 46th Street, along said street to 9th Avenue, along said avenue to West 47th Street, along said street to 11th Avenue, along said avenue to West 51st Street, along said street to 10th Avenue, along said avenue to West 52nd Street, along said street to 9th Avenue, along said avenue to West 51st Street, along said street to Broadway, along Broadway to West 52nd Street, along said street to 8th Avenue, along said avenue to West 56th Street, along said street to 9th Avenue, along said avenue to Columbus Avenue, along said avenue to West 60th Street, along said street to Amsterdam Avenue (10th avenue), along said avenue to West 62nd street, along said street to Columbus Avenue, along said avenue to Broadway, along Broadway to West 67th Street, along said street to Columbus Avenue, along said avenue to West 70th Street, along said street to Central Park West, along Central Park West to West 85th Street, along said street to Columbus Avenue, along said avenue to West 88th Street, along said street to Broadway, along Broadway to West 92nd Street, along said street to Amsterdam Avenue, along said avenue to West 93rd Street, along said street to Broadway, along Broadway to West 96th Street, along said street to

Riverside Drive, southerly along said drive to West 72nd Street, along said street to the Miller Highway, southerly along said highway to a line extending on the north side of Pier 99 in the waters of the Hudson River to the state line, southerly along said line to Gansevoort Street Extended, the point of beginning.

68. Sixty-eighth district. That part of the county of New York bounded by a line described as follows: Beginning at a point where the 3rd Avenue Bridge intersects the county border, along said bridge to 3rd Avenue Ramp, along said ramp to East 129th Street, along said street to Madison Avenue, along said avenue to East 119th Street, along said street to 5th Avenue, along said avenue to West 116th Street, along said street to Adam Clayton Powell Jr. Boulevard, along said boulevard to West 112th Street, along said street to 5th Avenue, along said avenue to Central Park North (West 110th Street), along Central Park North to Central Park West (8th Avenue), along Central Park West to West 109th Street, along said street to Columbus Avenue, along said avenue to West 108th Street, along said street to Amsterdam Avenue, along said avenue to West 107th Street, along said street to Columbus Avenue, along said avenue to West 104th Street, along said street to Amsterdam Avenue, along said avenue to West 100th Street, along said street to Manhattan Avenue, along said avenue to West 106th Street, along said street to Central Park West (8th Avenue), along Central Park West to Central Park South, along Central Park South to 5th Avenue, along said avenue to East 89th Street, along said street to Madison Avenue, along said avenue to East 90th Street, along said street to 5th Avenue, along said avenue to East 91st Street, along said street to Madison Avenue, along said avenue to East 92nd Street, along said street to 5th Avenue, along said avenue to East 93rd Street, along said street to Park Avenue, along said avenue to East 95th Street, along said street to Madison Avenue, along said avenue to

East 96th Street, along said street to Lexington Avenue, along said avenue to East 97th Street, along said street to 3rd Avenue, along said avenue to East 96th Street, along said street to 1st Avenue, along said avenue to East 92nd Street, along said street to Franklin D. Roosevelt Drive, thence northerly along a line connecting the Franklin D. Roosevelt Drive with East 96th Street, such line is located east of the Franklin D. Roosevelt Drive and west of the East River shoreline, along said street to East 96th Street Extended, but excluding Roosevelt Island and Mill Rock Park, northerly along said border to the point where the 3rd Avenue Bridge Intersects the county border, the point of beginning and those areas known as Randalls Island and 3 Wards Island each of which is a non-contiguous portion of this county.

69. Sixty-ninth district. That part of the county of New York bounded by a line described as follows: Beginning at a point in the Hudson River on the state line, proceeding easterly from said point along a line extended from St. Clair Place, along said extension to St. Clair Place, along said place to the off-ramp of Riverside Drive, along said drive to Tiemann Place, along said place to Broadway, along Broadway to West 125th Street (Martin Luther King Jr. Blvd.), along said street to St. Nicholas Avenue, along said avenue to Hancock Place, along said place to West 124th Street, along said street to Morningside Avenue, along said avenue to West 115th Street, along said street to Manhattan Avenue along said avenue to West 114th Street, along said street to 8th Avenue, along said avenue to West 113th Street, along said street to Adam Clayton Powell Jr. Boulevard, along said boulevard to West 112th Street, along said street to 5th Avenue, along said avenue to Central Park North (West 110th Street), along Central Park North to Central Park West (Eighth Avenue), along Central Park West to West 109th Street, along said street to Columbus Avenue, along said

avenue to West 108th Street, along said street to Amsterdam Avenue, along said avenue to West 107th Street, along said street to Columbus Avenue, along said avenue to West 104th Street, along said street to Amsterdam Avenue, along said avenue to West 100th Street, along said street to Manhattan Avenue, along said avenue to West 106th Street, along said street to Central Park West (8th Avenue), along Central Park West to West 85th Street, along said street to Columbus Avenue, along said avenue to West 88th Street, along said street to Broadway, along Broadway to West 92nd Street, along said street to Amsterdam Avenue, along said avenue to West 93rd Street, along said street to Broadway, along Broadway to West 96th Street, along said street to Riverside Drive, along said drive to West 72nd Street, along said street to Miller Highway, along said highway to a line extended from the northern side of Pier 99 through the waters of the Hudson River to the county border, northerly along said border to a line extended from St. Clair Place through the waters of the Hudson River to the state line, the point Of beginning.

70. Seventieth district. That part of the county of New York bounded by a line described as follows: Beginning at a point where St. Clair Place intersects Henry Hudson Parkway, along said parkway to West 145th Street, along said street to Riverside Drive, along said drive to West 144th Street, along said street to Broadway, along Broadway to West 150th Street, along said street to Amsterdam Avenue, along said avenue to West 145th Street, along said street to Bradhurst Avenue, along said avenue to West 147th Street, along said street to 8th Avenue, along said avenue to West 145th Street, along said street to Adam Clayton Powell Jr. Boulevard, along said boulevard to West 146th Street, along said street to Lenox Avenue, along said avenue to West 145th Street, along said street and West 145th Street Bridge to the county border, southerly along said border to the 3rd Avenue Bridge, across said bridge to

3rd Avenue Ramp, along said ramp to East 129th Street, along said street to Madison Avenue, along said avenue to East 119th Street, along said street to 5th Avenue, along said avenue to west 116th Street, along said street to Adam Clayton Powell Jr. Boulevard, along said boulevard to West 113th Street, along said street to 8th Avenue, along said avenue to West 114th Street, along said street to Manhattan Avenue, along said avenue to West 115th Street, along said street to Morningside Avenue, along said avenue to West 124th Street, along said street to Hancock Place, along said place to St. Nicholas Avenue, along said avenue to West 125th Street (Martin Luther King Jr. Boulevard), along said street to Broadway, along Broadway to Tiemann Place, along said place to Off-ramp of Riverside Drive, along said camp to St. Clair Place, along said place to a point where St. Clair Place intersects the Henry Hudson Parkway, the point of beginning.

71. Seventy-first district. That part of the county of New York bounded by a line described as follows: Beginning at a point where West 202nd Street Extended intersects the county border, along said extension to 9th Avenue, along said avenue to West 201st Street, along said street to Academy Street, along said street to 10th Avenue, along said avenue to Dyckman Street, along said street to Fort George Hill, along said hill to a line extended to Fort George Avenue, along said avenue to Audubon Avenue, along said avenue to West 190th Street, along said street to Amsterdam Avenue, along said avenue to West 186th Street, along said street to Audubon Avenue, along said avenue to West 184th Street, along said street to Amsterdam Avenue, along said avenue to West 170th Street, along said street to Jumel Place, along said place to West 168th Street, along said street to Amsterdam Avenue, along said avenue to West 165th Street, along said street to Audubon Avenue, along said avenue to West 166th Street, along said street to St. Nicholas Avenue, along

said avenue to West 162nd Street, along said street to Broadway, along Broadway to West 165th Street, along said street to Fort Washington Avenue, along said avenue to West 168th Street, along said street to St. Nicholas Avenue, along said avenue to West 167th Street, along said street to Audubon Avenue, along said avenue to West 169th Street, along said street to St. Nicholas Avenue, along said avenue to West 170th Street, along said street to Broadway, along Broadway to West 172nd Street, along said street to Fort Washington Avenue, along said avenue to West 173rd Street, along said street to Wadsworth Avenue, along said avenue to West 175th Street, along said street to Fort Washington Avenue, along said avenue to West 176th Street, along said street to Pinehurst Avenue, along said avenue to West 177th Street, along said street to Broadway, along Broadway to West 179th Street, along said street to Wadsworth Avenue, along said avenue to West 180th Street, along said street to Broadway, along Broadway to West 181st Street, along said street to Wadsworth Avenue, along said avenue to West 182nd Street, along said street to Broadway, along Broadway to West 183rd Street, along said street to Wadsworth Avenue, along said avenue to West 184th Street, along said street to Bennett Avenue, along said avenue to West 186th Street, along said street to Broadway, along Broadway to Dongan Place, along said place to Arden Street, along said street to Broadway, along Broadway to Cumming Street, along said street to Seaman Street, along said street to Academy Street, along said street to Cooper Street, along said street to West 204th Street, along said street to Broadway, along Broadway to West 215th Street, along said street to Seaman Avenue, along said avenue to Emerson Street, along said street to its end, thence southerly along a line extended to Payson Avenue, along said avenue to Dyckman Street, along said street to Dyckman Street Extended, along said extension In the waters of the Hudson River to its Intersection with the state line, thence southerly along said

border to a line extended through the waters of the Hudson River to St. Clair Place, along said place to Henry Hudson Parkway, along said parkway to West 145th Street, along said street to Riverside Drive, along said drive to West 144th Street, along said street to Broadway, along Broadway to West 150th Street, along said street to Amsterdam Avenue, along said avenue to West 145th Street, along said street to Bradhurst Avenue, along said avenue to West 147th Street, along said street to 8th Avenue, along said avenue to West 145th Street, along said street to Adam Clayton Powell Jr. Boulevard, along said boulevard to West 146th Street, along said street to Lenox Avenue, along said avenue to West 145th Street, along said street and West 145th Street Bridge to the county border, northerly along said border to the point where West 202nd Street Extended intersects the county border, the point of beginning.

72. Seventy-second district. That part of the county of New York bounded by a line described as follows: Beginning at a point where West 202nd Street Extended intersects the county border, along said extension to 9th Avenue, along said avenue to West 201st Street, along said street to Academy Street, along said street to 10th Avenue, along said avenue to Dyckman Street, along said street to Fort George Hill, along said hill to a line extended to Fort George Avenue, along said avenue to Audubon Avenue, along said avenue to West 190th Street, along said street to Amsterdam Avenue, along said avenue to West l6th Street, along said street to Audubon Avenue, along said avenue to West 184th Street, along said street to Amsterdam Avenue, along said avenue to West 170th Street, along said street to Jumel Place, along said place to West 168th Street, along said street to Amsterdam Avenue, along said avenue to West 165th Street, along said street to Audubon Avenue, along said avenue to West 166th Street, along said street to St. Nicholas Avenue, along said avenue to West 162nd Street, along said street to

Broadway, along Broadway to West 165th Street, along said street to Fort Washington Avenue, along said avenue to West 168th Street, along said street to St. Nicholas Avenue, along said avenue to West 167th Street, along said street to Audubon Avenue, along said avenue to West 169th Street, along said street to St. Nicholas Avenue, along said avenue to West 170th Street, along said street to Broadway, along Broadway to West 172nd Street, along said street to Fort Washington Avenue, along said avenue to West 173rd Street, along said street to Wadsworth Avenue, along said avenue to West 175th Street, along said street to Fort Washington Avenue, along said avenue to West 176th Street, along said street to Pinehurst Avenue, along said avenue to West 177th Street, along said street to Broadway, along Broadway to West 179th Street, along said street to Wadsworth Avenue, along said avenue to West 180th Street, along said street to Broadway, along Broadway to West 181st Street, along said street to Wadsworth Avenue, along said avenue to West 182nd Street, along said street to Broadway, along Broadway to West 183rd Street, along said street to Wadsworth Avenue, along said avenue to West 184th Street, along said street to Bennett Avenue, along said avenue to West 186th Street, along said street to Broadway, along Broadway to Dongan Place, along said place to Arden Street, along said street to Broadway, along Broadway to Cumming Street, along said street to Seaman Street, along said street to Academy Street, along said street to Cooper Street, along said street to West 204th Street, along said street to Broadway, along Broadway to West 215th Street, along said street to Seaman Avenue, along said avenue to Emerson Street, along said street to its end, thence southerly along a line extended to Payson Avenue, along said avenue to Dyckman Street, along said street to Dyckman Street Extended, along said extension In the waters of the Hudson River to its Intersection with the state line, thence northerly along said border to its intersection with the New York/Bronx county border,

thence easterly and southerly along said border to West 202nd Street Extended, the point of beginning.

73. Seventy-third district. That part of the county of New York bounded by a line described as follows: Beginning at a point where East 59th Street intersects with 5th Avenue, along said avenue to Madison Avenue, along said avenue to East 46th Street, along said street to Vanderbilt Avenue, along said avenue to East 45th Street, along said street to Madison Avenue, along said avenue to East 41st Street, along said street to 3rd Avenue, along said avenue to East 38th Street, along said street to 2nd Avenue, along said avenue to East 45th Street, along said street to 1st Avenue, along said avenue to East 41st Street, along said street to Franklin D. Roosevelt Drive, thence northerly along said drive to East 57th Street, along said street to lst Avenue, along said avenue to East 58th Street, along said street to Queensboro Bridge Approach, along said approach to East 60th Street, along said street to 2nd Avenue, along said avenue to East 61st Street, along said street to 3rd Avenue, along said avenue to East 62nd Street, along said street to 2nd Avenue, along said avenue to East 67th Street, along said street to lst Avenue, along said avenue to East 68th Street, along said street to 2nd Avenue, along said avenue to East 73rd Street, along said street to 3rd Avenue, along said avenue to East 76th Street, along said street to 2nd Avenue, along said avenue to East 79th Street, along said street to 3rd Avenue, along said avenue to East 83rd Street, along said street to 2nd Avenue, along said avenue to East 86th Street, along said street to 3rd Avenue, along said avenue to East 87th Street, along said street to 2nd Avenue, along said avenue to East 88th Street, along said street to 3rd Avenue, along said avenue to East 92nd Street, along said street to 2nd Avenue, along said avenue to East 93rd Street, along said street to 3rd Avenue, along said avenue to East 95th Street, along said street to 2nd Avenue, along said avenue to East

96th Street, along said street to 3rd Avenue, along said avenue to East 97th Street, along said street to Lexington Avenue, along said avenue to East 96th Street, along said street to Madison Avenue, along said avenue to East 95th Street, along said street to Park Avenue, along said avenue to East 93rd Street, along said street to 5th Avenue, along said avenue to East 92nd Street, along said street to Madison Avenue, along said avenue to East 91st Street, along said street to 5th Avenue, along said avenue to East 90th Street, along said street to Madison Avenue, along said avenue to East 89th Street, along said street to 5th Avenue, along said avenue to East 59th Street, the point of beginning.

74. Seventy-fourth district. That part of the county of Bronx bounded by a line described as follows: Beginning at the point where Macombs Dam Bridge Approach Intersects the Bronx county line, along said bridge approach to Sedgwick Avenue, along said avenue to West 161st Street, along said street to Summit Avenue, along said avenue to West 165th Street, along said street to Ogden Avenue, along said avenue to West 166th Street, along said street to Woodycrest Avenue, along said avenue to West 165th Street, along said street to Anderson Avenue, along said avenue to Jerome Avenue, along said avenue to Shakespeare Avenue, along said avenue to West 166th Street, along said street to Anderson Avenue, along said avenue to Shakespeare Avenue, along said avenue to West 168th Street, along said street to Nelson Avenue, along said avenue to West 169th Street, along said street to Shakespeare Avenue, along said avenue to West 170th Street, along said street to West Avenue, along said avenue to East 170th Street, along said street to Walton Avenue, along said avenue to Elliot Place, along said place to Grand Boulevard and Concourse, along said boulevard to East 168th Street, along said street to Grandview Place, along said place to East 167th Street, along said street to Walton Avenue, along said avenue to East 164th Street, along said street

to Grand Boulevard and Concourse, along said boulevard to East 158th Street, along said street to Sheridan Avenue, along said avenue to East 153rd Street, along said street to Concourse Village East, along said concourse to Park Avenue, along said avenue to East 158th Street, along said street to Cortland Avenue, along said avenue to East 161st Street, along said street to Third Avenue, along said avenue to East 161st Street, along said street to Cauldwell Avenue, along said avenue to East 160th Street, along said street to Trinity Avenue, along said avenue to East 161st Street, along said street to Jackson Avenue, along said avenue to East 160th Avenue, along said avenue to Forest Avenue, along said avenue to East 161st Street, along said street to Union Avenue, along said avenue to Westchester Avenue, along said avenue to East 156th Street, along said street to Prospect Avenue, along said avenue to Avenue St. John, along said avenue to Kelly Street, along said street to Longwood Avenue, along said avenue to Beck Street, along said street to East 156th Street, along said street to Bruckner Boulevard, along said boulevard to Longwood Avenue, along said avenue to I-278, along said Interstate to Lafayette Avenue, along said avenue to the center of the Bronx River, southerly along said river to the point where Hunt's Point Avenue extended intersects the center of the East River, westerly along said river to the Harlem River, northerly along said river to the Macombs Dam Bridge, the point of beginning.

75. Seventy-fifth district. That part of the county of Bronx bounded by a line described as follows: Beginning at a point where White Plains Road Intersects Story Avenue, thence proceeding northerly along White Plains Road to Watson Avenue, along said avenue to St. Lawrence Avenue, along said avenue to Gleason Avenue, along said avenue to Noble Avenue, along said avenue tO Westchester Avenue, along said avenue to Rosedale Avenue, along said avenue to East 172nd Street, along said street to Commonwealth Avenue,

along said avenue to East 174th Street, along said street to Noble Avenue, along said avenue to Cross Bronx Expressway, along said expressway to Fteley Avenue, along said avenue to East 174th Street, along said street to Metcalf Avenue, along said avenue extended to Cross Bronx Expressway, along said expressway to Bronx River Avenue, along said avenue to East 174th Street, along said street to Boone Avenue, along said avenue to Cross Bronx Expressway Service Road, along said road to Bryant Avenue, along said avenue to 172nd Street, along said street to Southern Boulevard, along said boulevard to Freeman Street, along said street to Simpson Street, along said street to Home Street, along said street to Tiffany Street, along said street to East 167th Street, along said street to Intervale Avenue, along said avenue to Westchester Avenue, along said avenue to Hewitt Place, along said place to Longwood Avenue, along said avenue to Beck Street, along said street to East 156th Street, along said street to Bruckner Boulevard, along said boulevard to Longwood Avenue, along said avenue to the Bruckner Expressway, along said expressway to Lafayette Avenue, along said avenue extended to the West Bank of the Bronx River, proceed southerly and then westerly along Bronx shoreline to Hunt's Point, proceed westerly along Bronx shoreline to a point where the borders between the Bronx and Queens Counties meet, proceed easterly along border between Queens and the Bronx encompassing Rikers Island, continue easterly to a point where the Bronx/Queens County border intersects a line drawn southerly from the mouth of Westchester Creek, proceed northerly along said line to a point where it intersects a line extended south eastward from the point of intersection of Turner Avenue and Zerega Avenue, thence along Zerega Avenue to Lacombe Avenue, along said avenue to Screvin Avenue, along said avenue extended to Pugsley Creek, along said creek to Stickball Boulevard, along said Boulevard to Lacombe Avenue, along said avenue to Underhill Avenue, along said avenue to Randall

Avenue, along said avenue to Leland Avenue, along said avenue to Seward Avenue, along said avenue to Taylor Avenue, along said avenue to Lafayette Avenue, along said avenue to Leland Avenue, along said avenue to Story Avenue, along said avenue to White Plains Road, the point of beginning.

76. Seventy-sixth district. That part of the county of Bronx, bounded by a line described as follows: Beginning at a point where Paul Avenue intersects Jerome Avenue, southerly along Jerome avenue to East Ringsbridge Road, along said road to Morris Avenue, along said avenue to East 193rd Street, along said street to Jerome Avenue, along said avenue to East 190th Street, along said street to Morris Avenue, along said avenue to East 191st Street, along said street to Creston Avenue, along said avenue to East 188th Street, along said street to Grand Boulevard and Concourse, along said boulevard to East 187th Street, along said street to Valentine Avenue, along said avenue to East 188th Street, along said street to Tiebout Avenue, along said avenue to East Fordham Road, along said road to Elm Place, along said place to East 188th Street, along said street to Park Avenue (beginning of Fordham University), along said avenue to East Fordham Road, along said road to Bathgate Avenue, along said avenue to East 191st Street, along said street to the border of Fordham University, along said bOrder to Dr. Theodore Kazimiroff Boulevard which becomes the Southern Parkway, along said parkway to Bronx Park South, along said street to the Southern Parkway, along said parkway to East 179th Street, along said street to Mohegan Avenue, along said avenue to the Southern Parkway, along said parkway to the Cross-Bronx Expressway, along said expressway to Longfellow Avenue, along said avenue.to Boone Avenue, along said avenue to East 174th Street, along said street to Bronx River Avenue, along said avenue to the ramp of the Cross-Bronx Expressway, along said camp to the Bronx River

Parkway Southerly Extension, along said extension to East 174th Street, along said street to Fteley Avenue, along said avenue to the Cross-Bronx Expressway, along said expressway to Noble Avenue, along said avenue to East 174th Street, along said street to Commonwealth Avenue, along said avenue to East 72nd Street, along said street to Rosedale Avenue, along said avenue to Westchester Avenue, along said avenue to Noble Avenue, along said avenue to Gleason Avenue, along said avenue to Saint Lawrence Avenue, along said avenue to Watson Avenue, along said avenue to White Plains Road, along said road to Story Avenue, along said avenue to Leland Avenue, along said avenue to LaFayette Avenue, along said avenue to Taylor Avenue, along said avenue to Seward Avenue, along said avenue to Leland Avenue, along said avenue to Randall Avenue, along said avenue to Underhill Avenue, along said avenue to Lacombe Avenue, along said avenue to Stockball Boulevard extended, along said extenslon to Norton Avenue extended, along said avenue to Lacombe Avenue, along said avenue to Olmstead Avenue, along said avenue to Randall Avenue, along said avenue to Castle Hill Avenue, along said avenue to Cincinnatus Avenue, along said avenue to Havemeyer Avenue, along said avenue to LaFayette Avenue, along said avenue to Zarega Avenue, along said avenue to the Cross-Bronx Expressway, along said expressway to Castle Hill Avenue, along said avenue to Gleason Avenue, along said avenue to Havemeyer Avenue, along said avenue to Ellis Avenue, along said avenue to Castle Hill Avenue, along said avenue to Waterbury Avenue, along said avenue to Unionport Road, along said road to Odell Street, along said street to Starling Avenue, along said avenue to Purdy Street, along said street to East Tremont Avenue, along said avenue to Unionport Road, along said road to Guerlain Street, along said street to White Plains Road, along said road to East Tremont Avenue, along said avenue to Theriot Avenue, along said avenue to Guerlain Street, along said street to

Taylor venue, along said avenue to East Tremont Avenue, along said avenue to Melville Avenue, along said avenue to Van Nest Avenue, along said avenue to Taylor Avenue, along said avenue to Morris Park Avenue, along said avenue to Unionport Road, along said road to Rhinelander Avenue, along said avenue to Amethyst Street, along said street to Sagamoce Street, along said street to Bronx Park East, along said park to Boston Road, along said road to Pelham Parkway South, along said parkway to White Plains Road, along said road to Pelham Parkway North, along said parkway to Bronx Park East, along said park to Doctor Theodore Kazimiroff Boulevard, along said boulevard to the Bronx River, southwesterly along said river to East 201st Street extended along said extenslon to Bronx Park Road, along said road to Doctor Theodore Kazimiroff Boulevard, along said boulevard to Bedford Park Boulevard West, along said boulevard to Webster Avenue, along said avenue to Oliver Place, along said place to Decatur Avenue, along said avenue to East 199th Street, along said street to Marion Avenue, along said avenue to East 198th Street, along said street to Pond Place, along said place to 197th Street, along said street to Bainbridge Avenue, along said avenue to East 197th Street, along said street to Briggs Avenue, along said avenue to East 198th Street, along said street to Valentine Avenue, along said avenue to East 197th Street, along said street to Grand Boulevard and Concourse, along said boulevard to East 196th Street, along said street to Morris Avenue, along said avenue to the intersection of Jerome Avenue and Paul Avenue, the point of beginning.

77. Seventy-seventh district. That part of the county of Bronx, bounded by a line described as follows: Beginning at a point where West Tremont Avenue Extended Intersects the Harlem River, southerly along said river to the Macombs Dam Bridge, along said bridge approach to Sedgwick Avenue, along said avenue

to West 161st Street, along said street to Summit Avenue, along said avenue to West 165th Street, along said street to Ogden Avenue, along said avenue to West 166th Street, along said street to Woodycrest Avenue, along said avenue to West 165th Street, along said street to Anderson Avenue, along said avenue to Jerome Avenue, along said avenue to Shakespeare Avenue, along said avenue to West 166th Street, along said street to Anderson Avenue, along said avenue to Shakespeare Avenue, along said avenue to West 168th Street, along said street to Nelson Avenue, along said avenue to West 169th Street, along said street to Shakespeare Avenue, along said avenue to West 170th Street, along said street to West Avenue, along said avenue to East 170th Street, along said street to Walton Avenue, along said avenue to Elliot Place, along said place to Grand Boulevard and Concourse, along said boulevard to East 168th Street, along said street to Grandview Place, along said place to East 167th Street, along said street to Walton Avenue, along said avenue to East 164th Street, along said street to Grand Boulevard and Concourse, along said boulevard to East 158th Street, along said street to Concourse Village West/Sheridan Avenue, along said avenue to East 164th Street, along said street to Morris Avenue, along said avenue to East 165th Street, along said street to Webster Avenue, along said avenue to East 166th Street, along said street to Brook Avenue, along said avenue to East 167th Street, along said street to Webster Avenue, along said avenue to the south side of O'Brian Square, along said square to East Tremont Avenue, along said avenue to East 177th Street, along said street to Anthony Avenue, along said avenue to East 176th Street, along said street to Grand Boulevard and Concourse, along said boulevard to East 175th Street, along said street to Walton Street, along said street to East 176th Street, along said street to Townsend Avenue, along said avenue to Clifford Place, along said place to Jerome Avenue, along said avenue to West 177th Street, along said street to West Tremont

Avenue, along said avenue to Harrison Avenue, along said avenue to Morton Place, along said place to University Avenue, along said avenue to West Tremont Avenue, along said avenue to Andrews Avenue South, along said avenue to West 180th Street, along said street to Osborne Place, along said place to West Burnside Avenue, along said avenue to Sedgwick Avenue, along said avenue to West 179th Street, along said street to Major Deegan Expressway, along said expressway to West Tremont Avenue extended, along said extension to the point of intersection with the Harlem River, the point of beginning.

78. Seventy-eighth district. That part of the county of the Bronx bounded by a line described as follows: Beginning at a point where Bedford Park Boulevard West Intersects Jerome Avenue, thence southerly along said avenue to East 199th Street, along said street to Bainbridge Avenue, along said avenue to Bedford Park Boulevard, along said boulevard to Marion Avenue, along said avenue to East 198th Street, along said street to Pond Place, along said place to East 197th Street, along said street to Bainbridge Avenue, along said avenue to East 197th Street, along said street to Briggs Avenue, along said avenue to East 198th street, along said street to Valentine Avenue, along said avenue to East 197th Street, along said street to Grand Concourse Boulevard, along said boulevard to East 196th Street, along said street to Morris Avenue, along said avenue to Jerome Avenue, along said avenue to East Kingsbridge Road, along said road to Morris Avenue, along said avenue to East 193rd Street, along said street to Jerome Avenue, along said avenue to East 190th Street, along said street to Morris Avenue, along said avenue to East 191st Street, along said street to Creston Avenue, along said avenue to East 188th Street, along said street to Grand Boulevard and Concourse, along said boulevard to East 187th Street, along said street to Valentine Avenue, along said avenue to East 188th Street, along

said street to Tiebout Avenue, along said avenue to East Fordham Road, along said road to Elm Place, along said place to East 188th Street, along said street to Webster Avenue, along said avenue to East 187th Street, along said street to Marion Avenue, along said avenue to East 184th Street, along said street to Webster Avenue, along said avenue to Ford Street, along said street to Tiebout Avenue, along said avenue to Folin Street, along said street to Tiebout Avenue, along said avenue to East 180th Avenue, along said avenue to Valentine Avenue, along said avenue to East Burnside Avenue, along said avenue to Ryer Avenue, along said avenue to Ryer Avenue extended, along said extension to East Tremont Avenue, along said avenue to Anthony Avenue, along said avenue to East 176th Street, along said street to Grand Boulevard 2nd Concourse, along said boulevard to East 175th Street, along said street to Walton Avenue, along said avenue to East 176th Street, along said street to Townsend Avenue, along said avenue to Clifford Place, along said place to Jerome Avenue, along said avenue to West 177th Street, along said street to West Tremont Avenue, along said avenue to Harrison Avenue, along said avenue to Morton Place, along said place to University Avenue, along said avenue to West Tremont Avenue, along said avenue to Andrews Avenue South, along said avenue to West 180th Street, along said street to Osborne Place, along said place to West Burnside Avenue, along said avenue to West 179th Street, along said street to the Major Deegan Expressway, along said expressway to West Tremont Avenue, along said avenue on a line extended through Roberto Clemente State Park and the waters of the Harlem River to the Bronx County line, along said county line to West 225th Street, along said street to Bailey Avenue, along said avenue to West 229th Street, along said street to Heath Avenue, along said avenue to Kingsbridge Terrace, along said terrace to West Kingsbridge Road, along said road to Sedgwick Avenue, along said avenue to West 197th Street, along said street

to Claflin Avenue, along said avenue to West 195th Street, along said street to University Avenue, along said avenue to West 197th Street, along said street to Reservoir Avenue, along said avenue to Goulden Avenue, along said avenue to Bedford Pack Boulevard West, along said boulevard to its Intersection with Jerome Avenue, the point of beginning.

79. Seventy-ninth district. In the county of Bronx, that part of the county bounded by a line described as follows: Beginning at a point where East 153rd Street Intersects Concourse Village West, along said concourse to East 164th Street, along said street to Morris Avenue, along said avenue to East 165th Street, along said street to Webster Avenue, along said avenue to Brook Avenue, along said avenue to East 167th Street, along said street to Webster Avenue, along said avenue to the south side of O'Brian Square, along said square to East Tremont Avenue, along said avenue to Anthony Avenue, northerly along said avenue to East 178th Street, along said street to Ryer Avenue, along said avenue to East Burnside Avenue, along said avenue to Valentine Avenue, along said avenue to East 180th Street, along said street to Tiebout Avenue, along said avenue to Ford Street, along said street to Webster Avenue, along said avenue to East 184th Street, along said street to Marion Avenue, along said avenue to East 187th Street, along said street to Webster Avenue, along said avenue to East 188th Street, along said street to Park Avenue, along said avenue to (beginning of Fordham University) East Fordham Road, along said road to Bathgate Avenue, along said avenue to East 191st Street, along said street to the border of Fordham University, along said border to Dr. Theodore, Kazimiroff Boulevard which becomes the Southern Boulevard, along said boulevard to Bronx Park South, along said park back to the Crotona Parkway, along said parkway to East 179th Street, along said street to Mohegan Avenue, along said avenue back to the Crotona Parkway, along said parkway

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to the Cross Bronx Expressway, along said expressway to Longfellow Avenue, along said avenue to Expressway Service Road, along said road to Bryant Avenue, along said avenue to East 172nd Street, along said street to Southern Boulevard, along said boulevard to Freeman Street, along said street to Simpson Street, along said street to Home Street, along said street to Tiffany Street, along said street to East 167th Street, along said street to Intervale Avenue, along said avenue to Westchester Avenue, along said avenue to Hewett Place, along said place to Longwood Avenue, along said avenue to Relly Street, along said street to Avenue Saint John, along said avenue to Prospect Avenue, along said avenue to East 156th Street, along said street to Westchester Avenue, along said avenue to Union Avenue, along said avenue to East 161st Street, along said street to Forest Avenue, along said avenue to East 160th Street, along said street to Jackson Avenue, along said avenue to East 161st Street, along said street to Trinity Avenue, along said avenue to East 160th Street, along said street to Cauldwell Avenue, along said avenue to East 161st Street, along said street to Third Avenue, along said avenue back to East 161st Street, along said street to Courtland Avenue, along said avenue to East 158th Street, along said street to Park Avenue (Concourse Village East), along said avenue to East 153rd Street, along said street to the point where It Intersects Concourse Village West, the point of beginning.

80. Eightieth district. That part of the county of Bronx bounded by a line described as follows: Beginning at a point where Goulden Avenue intersects Bedford Park Boulevard West, easterly along said boulevard to Jerome Avenue, along said avenue to East 199th Street, along said street to Bainbridge Avenue, along said avenue to Bedford Park Boulevard, along said boulevard to Marlon Avenue, along said avenue to East 199th Street, along said street to Decatur Avenue, along said avenue to Oliver Place, along said place to Webster

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Avenue, along said avenue to Bedford Park Boulevard, along said boulevard to Doctor Theodore Kazimiroff Boulevard, along said boulevard to East 201st street extended, along said extension to the Bronx River, easterly and northerly along said river to Doctor Theodore Kazimiroff Boulevard, along said boulevard to the Bronx Park East, along Bronx Park East to Pelham Parkway North, along said parkway to White Plains Road, along said road to Pelham Parkway South, along said parkway to Boston Road, along said road to Bronx Park East, along Bronx Park East to Sagamore Street, along said street to Amethyst Street, along said street to Rhinelander Avenue, along said avenue to Unlonport Road, along said road to Morris Park Avenue, along said avenue to Taylor Avenue, along said avenue to Van Nest Avenue, along said avenue to Melville Street, along said street to East Tremont Avenue, along said avenue to Taylor Avenue, along said avenue to Guerlain Street, along said street to Theriot Avenue, along said avenue to East Tremont Avenue, along said avenue to White Plains Road, along said road to Guerlain Street, along said street to Unionport Road, along said road to East Tremont Avenue, along said avenue to Silver Street, along said street to Blondell Avenue, along said avenue to Fink Avenue, along said avenue to East Tremont Avenue, along said avenue to Tan Place, along said place to Westchester Avenue, along said avenue to Pilgrim Avenue, along said avenue to Wilkinson Avenue, along said avenue to Mayflower Avenue, along said avenue to East 194th Street, along said street to Hobart Avenue, along said avenue to East 196th Street, along said street to Mayflower Avenue, along said avenue to the Hutchinson River Parkway Ramp, along said ramp to the Hutchinson River Parkway, northerly along said parkway to the Bronx and Pelham Parkway South, along said parkway to Eastchester Road, along said road to Mace Avenue, along said avenue to Laconia Avenue, along said avenue to Waring Avenue, along said avenue to Williamsbridge Road, along said road to Mace

Avenue, along said avenue to Colden Avenue, along said avenue to Williamsbridge Road, along said road to Radcliff Avenue, along said avenue to Mace Avenue, along said avenue to Matthews Avenue, along said avenue to Arnow Avenue, along said avenue to Williamsbridge Road, along said road to Matthews Avenue, along said avenue to Adee Avenue, along said avenue to Barnes Avenue, along said avenue to Magenta Street, along said street to White Plains Road, along said road to East Gun Hill Road, along said road to the Metro-North Commuter Railroad (Harlem Lines), along said railroad to Burke avenue, along said avenue to East 205th Street, along said street to Decatur Avenue, along said avenue to East 204th Street, along said street to Hull Avenue, along said avenue to East 205th Street, along said street to Percy Avenue, along said avenue to Holt Place, along said place to Reservoir Oval East, along said oval to Van Cortland Avenue East, along said avenue to East Mosholu Parkway, along said parkway to Van Cortlandt Park South, along said park to Saxon Avenue, along said avenue to Sedgwick Avenue, along said avenue to Van Cortlandt Avenue West, along said avenue to Orloff Avenue, along said avenue to Fort Independence Street, along said street to Heath Avenue, along said avenue to Scdgwick Avenue, along said avenue to Reservoir Avenue, along said avenue to the Goulden Avenue, along said avenue to Bedford Park Boulevard West, the point of beginning.

81. Eighty-first district. That part of the county of Bronx bounded by a line described as follows: Beginning at a point where Reservoir Avenue Intersects West 197th Street, westerly along said street to University Avenue, along said avenue to West 195th Street, along said street to Claflin Avenue, along said avenue to West 195th Street, along said street to Sedgwick Avenue, along said avenue to West Kingsbridge Road, along said road to Ringsbridge Terrace, along said terrace to Heath Avenue, along said

avenue to West 229th Street, along said street to Bailey Avenue, along said avenue to West 225th Street, along said street to the Bronx county line, along said line to the Hudson River, proceed northerly along said river to the Westchester county border, then easterly along Westchester/Bronx county border to East 243rd Street, along said street to Osgood Street, along said street to East 242nd Street, along said street to Richardson Avenue, along said avenue to East 236th Street, along said street to White Plains Road, along said road to East 234th Street, along said street to Bronx Boulevard, along said boulevard to East 233rd Street, along said street to Carpenter Avenue, along said avenue to East 231st Street, along said street to White Plains Road, along said road to East 230th Street, along said street to Carpenter Avenue, along said avenue to East 229th Street, along said street to Bronx Boulevard, along said boulevard to East Gun Hill Road, along said road to Metro-North Commuter Railroad (Harlem Line), along said railroad to Burke Avenue, along said avenue to East 205th Street, along said street to Decatur Avenue, along said avenue to East 204th Street, along said street to Hull Avenue, along said avenue to East 205th Street, along said street to Perry Avenue, along said avenue to Holt Place, along said place to Reservoir Oval East, along said oval to Van Cortlandt Avenue East, along said avenue to East Mosholu Parkway South, along said parkway to West Gunhill Road extended which becomes Van Cortlandt Park South, along said park to Saxon Avenue, along said avenue to Sedgwick Avenue, along said avenue to Van Cortlandt Avenue West, along said avenue to Orloff Avenue, along said avenue to Fort Independence Street, along said street to Heath Avenue, along said avenue to Sedgwick Avenue, along said Avenue to Reservoir Avenue, along said avenue to West 197th Street, the point of beginning.

82. Eighty-second district. That part of the county of Bronx bounded by a line described as follows: Beginning

at a point where the Hutchinson River intersects the Bronx County/Westchester County border, along said river to the New England Thruway, along said thruway to the ramp of the New England Thruway, along said ramp to Connor Street, along said street to Saychestec Avenue, along said avenue to Co-op city Boulevard, along said boulevard to Baychester Avenue, along said avenue to Tillotson Avenue, along said avenue to Boler Avenue, along said avenue to Baychester Avenue, along said avenue to the New England Thruway, along said thruway to East Gun Hill Road, along said road to Allerton Avenue, along said avenue to Kingsland Avenue, along said avenue to East Gun Hill Road, along said road to Eastchester Road, along said road to Knapp Street, along said street to Morgan Avenue, along said avenue to East Gun Hill Road, along said road to Fenton Avenue, along said avenue to Mace Avenue, along said avenue to Eastchester Road, along said road to the Bronx and Pelham Parkway South line extended, along said parkway extension to the Hutchinson River Parkway, along said parkway to the Hutchinson River Parkway ramp, along said ramp to Mayflower Avenue, along said avenue to East 196th Street, along said street to Hobart Avenue, along said avenue to East 194th Street, along said street to Mayflower Avenue, along said avenue to Wilkinson Avenue, along said avenue to Pilgrim Avenue, along said avenue to Westchester Avenue, along said avenue to Tan Place, along said place to East Tremont Avenue, along said avenue to Fink Avenue, along said avenue to Blondell Avenue, along said avenue to Silver Street, along said street to East Tremont Avenue, along said avenue to Purdy Street, along said street to Starling Avenue, along said avenue to Odell Street, along said street to Unionport Road, along said road to Waterbury Avenue, along said avenue to Castle Hill Avenue, along said avenue to Ellis Avenue, along said avenue to Havemeyer Avenue, along said avenue to Gleason Avenue, along said avenue to Castle Hill Avenue, along said avenue to the Cross

Bronx Expressway, along said expressway to Zerega Avenue, along said avenue to Lafayette Avenue, along said avenue to Havemeyer Avenue, along said avenue to Cincinnatus Avenue, along said avenue to Castle Hill Avenue, along said avenue to Randall Avenue, along said avenue to Olmstead Avenue, along said avenue to Lacombe Avenue, along said avenue to Zerega Avenue, along said avenue to Turner Avenue, from that point, a line due east to the center line of Westchester Creek, then a line due south to the intersection of the center line of Westchester Creek and the Bronx/Queens County border, continuing along said border east, then northeast, to a point where the county lines of Bronx, Nassau and Westchester meet, continuing westward along the border between Bronx and Westchester counties, to the point of beginning.

83. Eighty-third district. In the county of Bronx, that part bounded by a line described as follows: Beginning at a point where East 242nd Street Intersects Richardson Avenue, along said avenue to East 236th Street, along said street to White Plains Road, along said road to East 234th Street, along said street to Bronx Boulevard, along said boulevard to East 233rd Street, along said street to Carpenter Avenue, along said avenue to East 231st Street, along said street to White Plains Road, along said road to East 230th Street, along said street to Carpenter Avenue, along said avenue to East 229th Street, along said street to Bronx Boulevard, along said boulevard to East Gun Hill Road, along said road to White Plains Road, along said road to Magenta Street, along said street to Barnes Avenue, along said avenue to Adee Avenue, along said avenue to Matthews Avenue, along said avenue to Williamsbridge Road, along said road to Arnow Avenue, along said avenue to Matthews Avenue, along said avenue to Mace Avenue, along said avenue to Radcliff Avenue, along said avenue to Williamsbridge Road, along said road to Colden Avenue, along said avenue to Mace Avenue, along said avenue to

Williamsbridge Road, along said road to Waring Avenue, along said avenue to Laconla Avenue, along said avenue to Mace Avenue, along said avenue to Fenton Avenue, along said avenue to East Gun Hill Road, along said road to Morgan Avenue, along said avenue to Knapp Street, along said street to Eastchester Road, along said road to East Gun Hill Road, along said road to Ringsland Avenue, along said avenue to Allerton Avenue, along said avenue to East Gun Hill Road, along said road to the New England Thruway, along said thruway to Baychester Avenue, along said avenue to Boler Avenue, along said avenue to Tillotson Avenue, along said avenue to Baychester Avenue, along said avenue to the Co-op City Boulevard, along said boulevard to proceed northerly on Baychester Avenue, along said avenue to Connor Street, along said street to the ramp of the New England Thruway, along said camp to the New England Thruway, northeasterly on said thruway to the intersection of the Hutchinson River, northwesterly along said river to the Bronx County/Westchester County border, along said border to east 242nd Street, along said street to Richardson Avenue, the point of beginning.

84. Eighty-fourth district. In the county of Westchester, that part of the city of Yonkers bounded by a line described as follows: Beginning at a point midway in the Hudson River forming the county line proceeding due east from such point along the northern border of Trevor Park to Warburton Avenue, thence southerly along said avenue to Phillipse Road, along said road to Croton Aqueduct, along said aqueduct to Glenwood Avenue, along said avenue to Lincoln Terrace, along said terrace which becomes Grove Street, along said street to Glenwood Avenue, along said avenue to Park Avenue, along said avenue to High Street, along said street extended to Orchard Street, along said street to Myrtle Street, along said street to Nepperhan Avenue, along said avenue to Ashburton Avenue, along said

avenue to Mulberry Street, along said street to Croton Terrace, along said terrace extended to Walnut Street, along said street to Elm Street, along said street to Van Cortlandt Park Avenue, along said avenue to Knollwood Road, along said road extended to Oak Street, along said street to Mount Carmel Place, along said place which becomes Park Hill Avenue, along said avenue to South Waverly Street, along said street to Herriot Place, along said place to School Street, along said street to Bright Place, along said place to South Broadway, along said broadway to McLean Avenue, along said avenue to Western Avenue, along said avenue to Lawrence Street, along said street to Saratoga Avenue, along said avenue to Landscape Avenue, along said avenue to Caryl Avenue, along said avenue to Van Cortlandt Park Avenue, along said avenue to Caryl Avenue, along said avenue to McLean Avenue, along said avenue to Courter Avenue, along said avenue to Leroy Avenue, along said avenue to Monroe Place, along said place to McLean Avenue, along said avenue to Cosma Lane, along said lane to Damon Lane, along said lane extended to Tibbetts Road, along said road to McLean Avenue, along said avenue to Lawton Street, along said street to McLean Avenue, along said avenue to Sanford Street, along said street to Long Meadow Road, along said road to West Delano Avenue, along said avenue to Old Jerome Avenue, along said avenue to Cox Avenue, along said avenue to Kimball Avenue, along said avenue to McLean Avenue, along said avenue to Hyatt Avenue, along said avenue to Scott Avenue, along said avenue to Bronx River Road, along said road to Yonkers Avenue, along said avenue to the Yonkers/Mount Vernon city border, then proceed southerly along such border to the Yonkers/city of New York border, follow such border southerly then westerly then proceed northerly along the Yonkers city line to the northern border of Trevor park, then proceed westerly to a point midway in the Hudson River forming the county line, the point of beginning; and that part of the city of Mount Vernon bounded by

a line described as follows: Beginning at a point where the Yonkers City line meets Mount Vernon Avenue, thence northerly along such border to a point where the borders of the city of Mount Vernon and the town of Eastchester meet, proceed easterly along the city of Mount Vernon/town of Eastchester border to Central Parkway then southerly along said parkway to Cross County Parkway, along said parkway to Rich Avenue, along said avenue to East Grand Street, along said street to North Fulton Avenue, along said avenue to Primrose Avenue, along said avenue to North Columbus Avenue, along said avenue to Ellwood Avenue, along said avenue to Sheridan Avenue, along said avenue to Oakland Avenue, along said avenue extended to Marion Avenue, along said avenue to East Lincoln Avenue, along said avenue to Lorraine Avenue, along said avenue to Lafayette Avenue, along said avenue to Station Place, along said place to East Lincoln Avenue, then proceed easterly along East Lincoln Avenue to the border separating the city of Mount Vernon and the town of Pelham, then proceed southerly along such border to the Mount Vernon/city of New York border, then proceed northwest along such border to a point where the borders of the city of Yonkers and the city of Mount Vernon meet, then proceed northerly along such bordet to a point where the Yonkers city line meets Mount Vernon Avenue, the point of beginning.

85. Eighty-fifth district. In the county of Westchester, the towns of M maroneck and Rye, and the city of Rye, and that part of the city of New Rochelle bounded by a line described as follows: Beginning at a point where Mayflower Avenue intersects the city of New Rochelle/town of Pelham line thence proceeding easterly on Mayflower Avenue to North Avenue, along said avenue to Treno Street, along said street to Brookdale Avenue, along said avenue to Lorenz Avenue, along said avenue to Fifth Avenue, along said avenue to Portman Road, along said road to

Pottec Avenue, along said avenue to Petersville Road extended, along said road extended to Lynette Street, along said street to Lispenard Avenue extended, along said avenue extended to Palmer Avenue which becomes River Street which becomes Echo Avenue, along said avenue to Main Street,along said street to Franklin Avenue, along said avenue to Union Street, along said street to North Avenue, along said avenue to Pelham Road, along said road to Centre Avenue, along said avenue to Hanford Avenue, along said avenue to Leland Avenue, along said avenue to Elm Street, along said street to Centre Avenue, along said avenue to Poplar Place, along said place to Bancker Place, along said place to Davis Avenue, along said avenue to Maple Avenue, along said avenue to Main Street, along said street to the border between the city of New Rochelle and the town of Pelham, then southerly along said border to a point in Long Island Sound where the borders of the town of Pelham, the city of New Rochelle, and the city of New York meet, then easterly along the border separating the city of New Rochelle and the city of New York to a point where the borders separating the city of New Rochelle, the city of New York and the town of Mamaroneck meet, then proceed northerly along the border between the city of New Rochelle and the town of Mamaroneck, then northerly along such border to a point where the city of New Rochelle, the town of Mamaconeck and the town of Scarsdale meet, then northerly along the border between the city of New Rochelle and the town of Scarsdale, then westerly on said border and then southerly to a point where the city of New Rochelle, the town of Eastchester, and the town of Scarsdale meet, continue southerly along the border between the city of New Rochelle and the town of Eastchester to a point where the borders of the city of New Rochelle, the town of Eastchester and the town of Pelham meet, continue southerly along the border separating the city of New Rochelle and the town of Pelham to a point where Mayflower Avenue intersects

the city of New Rochelle/town of Pelham line, the point of beginning.

86. Eighty-sixth district. In the county of Westchester, the towns of Mount Pleasant and Greenburgh.

87. Eighty-seventh district. In the county of Westchester, that part of the city of Yonkers bounded by a line described as follows: Beginning at a point midway in the Hudson River forming the county line proceeding due east from such point along the northern border of Trevor Park to Warburton Avenue thence southerly along Warburton Avenue to Phillipse Road, along said road to Croton Aqueduct, along said aqueduct to Glenwood Avenue, along said avenue to Lincoln Terrace, along said terrace which becomes Grove Street, along said street to Glenwood Avenue, along said avenue to Park Avenue, along said avenue to High Street extended, along said street extended to Orchard Street, along said street to Myrtle Street, along said street to Nepperhan Avenue, along said avenue to Ashburton Avenue, along said avenue to Mulberry Street, along said street to Croton Terrace, along said terrace extended to Walnut Street, along said street to Elm Street, along said street to Van Cortland% Park Avenue, along said avenue to Knollwood Road, along said road extended to Oak Street, along said street to Mt. Carmel Place, along said place which becomes Park Hill Avenue to South Waverly Street, along said street to Herriot Place, along said place to School Street, along said street to Bright Place, along said place to South Broadway, along South Broadway to McLean Avenue, along said avenue to Western Avenue, along said avenue to Lawrence Street, along said street to Saratoga Avenue, along said avenue to Landscape Avenue, along said avenue to Caryl Avenue, along said avenue to Van Cortlandt Park Avenue, along said avenue to Caryl Avenue, along said avenue to McLean Avenue, along

said avenue to Courter Avenue, along said avenue to Leroy Avenue, along said avenue to Monroe Place, along said place to McLean Avenue, along said avenue to Cosma Lane, along said lane to Damon Lane, along said lane extended to Tibbetts Road, along said road to McLean Avenue, along said avenue to Lawton Street, along said street to McLean Avenue, along said avenue to Sanford Street, along said street to Long Meadow Road, along said road to West Delano Avenue, along said avenue to Old Jerome Avenue, along said avenue to Cox Avenue, along said avenue to Kimball Avenue, along said avenue to McLean Avenue, along said avenue to Hyatt Avenue, along said avenue to Scott Avenue, along said avenue to Bronx River Road, along said road to Yonkers Avenue, along said avenue to the Yonkers/city of Mount Vernon border, follow such border northerly to a point where such border joins the border of the town of Eastchester, continue north along the border between the city of Yonkers and the town of Eastchester to a point where such border meets the border of the town of Greenburgh, then proceed southwesterly along the city of Yonkers/town of Greenburgh border, then southerly along the Yonkers city line to the northern border of Trevor Park, then proceed westerly to a point midway in the Hudson River forming the county line, the point of beginning..

88. Eighty-eighth district. In the county of Westchester, the towns of Eastchester, Pelham and Scarsdale, and that part of the city of New Rochelle bounded by a line described as follows: Beginning at the point where Mayflower Avenue intersects the city of New Rochelle/town of Pelham line thence proceeding easterly on Mayflower Avenue to North Avenue, along said avenue to Treno Street, along said street to Brookdale Avenue, along said avenue to Lorenz Avenue, along said avenue to Fifth Avenue, along said avenue to Portman Road, along said road to Potter Avenue, along said avenue to Petersville Road extended, along said

road extended to Lynette Street, along said street to Lispenard Avenue extended, along said avenue extended to Palmer Avenue which becomes River Street which becomes Echo Avenue, along said avenue to Main Street, along said street to Franklin Avenue, along said avenue to Union Street, along said street to North Avenue, along said avenue to Pelham Road, along said toad to Centre Avenue, along said avenue to Hanford Avenue, along said avenue to Leland Avenue, along said avenue to Elm Street, along said street to Centre Avenue, along said avenue to Poplar Place, along said place to Bancker Place, along said place to Davis Avenue, along said avenue to Maple Avenue, along said avenue to Main Street, along said street to the border between the city of New Rochelle and the town of Pelham, follow said border northerly to a point where Mayflower Avenue intersects the city of New Rochelle/town of Pelham line, the point of beginning; and that part of the city of White Plains bounded by a line described as follows: Beginning at a point where I-287 lntersects the border between the city of White Plains and the tOwn of Greenburgh thence easterly along I-287 to Ferris Avenue, along said avenue to Wardman Street, along said street to Church Street, along said street to Park Avenue, along said avenue to Rirby Terrace, along said terrace to Park Terrace, along said terrace to Ferris Avenue which becomes Bank Street, along said street to Fisher Avenue, along said avenue to South Lexington Avenue, along said avenue to Quarropas Street, along said street to Mamaroneck Avenue, along said avenue to East New York Post Road which becomes South Broadway, along South Broadway to Main Street, along said street to Canfield Avenue, along said avenue to Lake Street, along said street to I-287, along said interstate to Beltway Place, along said place to the border between the city of White Plains and the town of Harrison, proceed southerly along such border to a point where the borders of the city of White Plains and the towns of Scarsdale and Harrison join,

proceed northwesterly along the border separating the city of White Plains and the town of Scarsdale to a point where the city of White Plains and the towns of Greenburgh and Scarsdale meet, proceed northerly along the border separating the city of White Plains and the town of Greenburgh to a point where I-287 intersects the city of White Plains/town of Greenburgh border, the point of beginning; and that part of the city of Mount Vernon bounded by a line described as follows: Beginning at a point where Central Parkway Intersects the Mount Vernon city line and the border of the town of Eastchester, thence proceeding southerly along Central Parkway to Cross County Parkway, along said parkway to Rich Avenue, along said avenue to East Grand Street, along said street to North Fulton Avenue, along said avenue to Primrose Avenue, along said avenue to North Columbus Avenue, along said avenue to Ellwood Avenue, along said avenue to Sheridan Avenue, along said avenue to Oakland Avenue, along said avenue extended to Marlon Avenue, along said avenue to East Lincoln Avenue, along said avenue to Lorraine Avenue, along said avenue to Lafayette Avenue, along said avenue to Station Place, along said place to East Lincoln Avenue, along said avenue to the border separating the city of Mount Vernon and the town of Pelham, then proceed northerly along such border to the point where the city of Mount Vernon and the town of Eastchester meet, proceed westerly along such border to Central Parkway, the point of beginning.

89. Eighty-ninth district. In the county of Westchester, the towns of Bedford, Harrison, Lewisboro, Mount Kisco, New Castle, North Castle, North Salem, Pound Ridge and Somers, and that part of the city of White Plains bounded by a line described as follows: Beginning at a point where I-287 intersects the border between the city of White Plains and the town of Greenburgh, thence easterly along I-287 to Ferris Avenue, along said avenue to Wardman Street, along

said street to Church Street, along said street to Park Avenue, along said avenue to Kirby Terrace, along said terrace to Park Terrace, along said terrace to Ferris Avenue which becomes Bank Street, along said street to Fisher Avenue, along said avenue to South Lexington Avenue, along said avenue to Quarropas Street, along said street to Mamaroneck Avenue, along said avenue to East New York Post Road which becomes South Broadway, along South Broadway to Main Street, along said street to Canfield Avenue, along said avenue to Lake Street, along said street to I-287, along said Interstate to Beltway Place, along said place to the border between the city of White Plains and the town of Harrison, thence northerly along such border to a point where the borders of the city of White Plains and the towns of Harrison and North Castle meet, thence westerly along the border separating the city of White Plains and the town of North Castle, then southerly along the same border, then westerly along the same border to a point where the borders of the city of White Plains, the town of North Castle and the town of Greenburgh meet, then southerly along the border separating the city of White Plains and the town of Greenburgh to a point where I-287 intersects such border, the point of beginning.

90. Ninetieth district. In the county of Westchester, the towns of Cortlandt, Ossining and Yorktown, and the city of Peekskill.

91. Ninety-first district. The county of Putnam; and in the county of Dutchess, the towns of Pawling, Beekman, Union Vale, Dover, Amenia and North East.

92. Ninety-second district. In the county of Rockland, the towns of Clarkstown, Haverstraw and that part of the town of Ramapo bounded by a line described as follows: Beginning at a point where Grandview Avenue Intersects Cambridge Road, along said road to Moccasin Place,

along said place to Hastings Road, along said road to Wilder Road, along said road to Willow Tree Road, along said road to Dike Drive, along said drive to Carter Lane, along said lane to Wilder Road, along said road to Haverstraw Road, along said road to State Highway 306, along said highway to Haverstraw Road, along said road to Old Haverstraw Road, along said road to Calls Hollow Road, along said road to the Ramapo town line, thence easterly along said town line to the New Square Village Limit (as annexed in 1982, adopted by the Ramapo Town Board March 24, 1982), along the New Square Village Limit so as to exclude said village to North Main Street, along said street to Greenridge Way, along said way to Pascack Brook, along said brook to the New Hempstead Village Limit, along said village limit to Bonnie Court, along said court to Durante Court, along said court to Hempstead Road, along said road to Eckerson Road, along said road to Union Road, along said road to Viola Road, along said road to South Gate Drive, along said drive to Manchester Drive, along said drive to the New Hempstead Village Limit, along said village limit to Grandview Avenue, along said avenue to Cambridge Road, the point of beginning.

93. Ninety-third district. In the county of Rockland, the town of Orangetown and that part of the town of Ramapo bounded by a line described as follows: Beginning at a point where Forshay Road intersects Grandview Avenue, thence southerly along Forshay Road to South Parker Drive, along said drive to Judith Lane, along said lane to Martha Road, along said road to Grandview Avenue, along said avenue to Haverstraw Road, along said road to its Intersection with the Mahwah River, along said river to Viola Road, along said road to Haverstraw Road, along said road to Mayer Drive, along said drive to River Road, along said road to Montebello Road, along said road to Lake Road, along said road to its intersection with the Suffern village limit, along said village limit to Lexington

Avenue, along said avenue to Crane Place, along said place to Wayne Avenue, along said avenue to Chestnut Street, along said street to Hallett Place, along said place to Wayne Avenue, along said avenue to the tracks of the Erie Lackawanna Railroad, thence northerly along said tracks to Interstate 287, along said interstate to the Ramapo River, along said river on the western bank to Fourth Street, along said street to Terrance Avenue, along said avenue to Ramapo Avenue, along said avenue to Suffern Road, along said road to State Highway 17 South, along said highway to the Ramapo town line, thence easterly along said town line to the New Square village limit (as annexed in 1982, adopted by the Ramapo Town Board March 24, 1982), along said village limit so as to include said village to North Main Street, along said street to Greenridge Way, along said way to Pascack Brook, along said brook to the New Hempstead Village Limit, along said village limit to Bonnie Court, along said court to Durante Court, along said court to Hempstead Road, along said road to Eckerson Road, along said road to Union Road, along said road to Viola Road, along said road to South Gate Drive, along said drive to Manchester Drive, along said drive to the New Hempstead Village limit, along said village limit to its Intersection with Grandview Avenue, along said avenue to Forshay Road, the point of beginning.

94. Ninety-fourth district. In the county of Orange, the towns of Blooming Grove, Cornwall, Hamptonburgh, Highlands, Monroe, New Windsor, Tuxedo, and Woodbury; and in the county of Rockland, the town of Stony Point, and that part of the town of Ramapo bounded by a line described as follows: Beginning at a point where Forshay Road intersects Grandvlew Avenue, thence southerly along Forshay Road, to South Parker Drive, along said drive to Judith Lane, along said lane to Martha Road, along said road to Grandvlew Avenue, along said avenue to Haverstraw Road, along said road to its intersection with the Mahwah River, along said

river to Viola Road, along said road to Haverstraw Road, along said road to Mayer Drive, along said drive to River Road, along said road to Montebello Road, along said road to Lake Road, along said road to its intersection with the Suffern village limit, along said village limit to Lexington Avenue, along said avenue to Crane Place, along said place to Wayne Avenue, along said avenue to Chestnut street, along said street to Hallett Place, along said place to Wayne Avenue, along said avenue to the tracks of the Erie Lackawanna Railroad, thence northerly along said tracks to Interstate 287, along said interstate to the Ramapo River, along said river on the western bank to Fourth Street, along said street to Terrance Avenue, along said avenue to Ramapo Avenue, along said avenue to Suffern Road, along said road to State Highway 17 South, along said highway to the Ramapo town line, thence westerly along said town line to Calls Hollow Road, along said road to Old Haverstraw Road, along said road to Haverstraw Road, along said road to State Highway 306, along said highway to Haverstraw Road, along said road to Wilder Road, along said road to Carter Lane, along said lane to Dike Drive, along said drive to Willow Tree Road, along said road to Wilder road, along said road to Hastings Road, along said road to Moccasin Place, along said place to Cambridge Road, along said road to Grandview Avenue, along said avenue to Forshay Road, the point of beginning.

95. Ninety-fifth district. In the county of Orange, the towns of Chester, Crawford, Goshen, Montgomery, Mount Hope, Wallkill and Warwick; in the county of Ulster, the towns of Shawangunk and Wawarsing.

96. Ninety-sixth district. In the county of Orange, the town of Newburgh, and the city of Newburgh; in the county of Dutchess, the cities of Poughkeepsie and Beacon; in the county of Ulster, the towns of Esopus, Lloyd and Marlborough.

97. Ninety-seventh district. In the county of Dutchess, the towns of Wapilnger, Poughkeepsie, Hyde Park, Rhinebeck, Red Hook and Milan; in the county of Columbia, the towns of Clermont and Germantown; and In the county of Greene, the town of Catskill.

98. Ninety-eighth district. The county of Sullivan; and in the county of Orange, the towns of Deerpark, Greenville, Minisink and Wawayanda, and the cities of Middletown and Port Jervls.

99. Ninety-ninth district. In the county of Dutchess, the towns of Fishkill, East Fishkill, LaGrange, Pleasant Valley, Washington, Stanford, Clinton and pine Plains; and in the county of Columbia, the towns of Ancram, Gallatin, Livingston, Taghkanic, Copake, Hillsdale, Claverack, Greenport, Ghent, Austerlitz, Canaan, Chatham and New Lebanon, and the city of Hudson.

100. One hundredth district. In the county of Saratoga, the towns of Corinth, Moreau, Northumberland, Saratoga and Wilton, and the city of Saratoga Springs; and in the county of Washington, the towns of Argyle, Cambridge, Dresden, Easton, Fort Ann, Fort Edward, Granville, Greenwich, Hampton, Hartford, Hebron, Jackson, Kingsbury, Putnam, Salem, White Creek and Whitehall.

101. One hundred first district. In the county of Ulster, the towns of Denning, Gardiner, Hardenburgh, Hurley, Kingston, Marbletown, New Paltz, Olive, Plattekill, Rochester, Rosendale, Saugerties, Shandaken, Ulster and Woodstock, and the city of Kingston.

102. One hundred second district. The county of Schoharie; in the county of Albany, the towns of Bethlehem, Coeymans, Rensselaerville, and Westerlo; In the county of Columbia, the towns of Kinderhook, Stockport, and Stuyvesant; and in the county of Greene,

the towns of Ashland, Athens, Cairo, Coxsackie, Durham, Greenville, Halcott, Hunter, Jewett, Lexington, New Baltimore, Prattsville and Windham.

103. One hundred third district. In the county of Saratoga, the towns of Ballston, Charlton, Day, Edinburg, Galway, Greenfield, Hadley, Milton and Providence; in the county of Schenectady, the towns of Glenville and Niskayuna, and that part of the city of Schenectady bounded by a line described as follows: Beginning at a point where Baker Avenue Intersects the easterly border of the city of Schenectady, along said avenue to Grand Boulevard, along said boulevard to Van Curlec Avenue, along said avenue to the Intersection of Nott Street and Van Curler, then a line extended westerly from said intersection to Grand Boulevard, along said boulevard to Waverly Place, along said place to Woodward Avenue, along said avenue to Parkwood Boulevard, along said boulevard to The Plaza, along The Plaza to Glenwood Boulevard, along said boulevard to Rugby Road, along said road to Wendell Avenue, along said avenue to Union Avenue, along said avenue to University Place, along said place to Union Street, along said street to Nott Terrace, along said terrace to Eastern Parkway, along said parkway to Landon Terrace,.along said terrace to Windsor Terrace, along said terrace to Porter Street, along said street to Vale Place, along said place to Prospect Street, along said street to Vale Park Cemetery, along said cemetery's boundary to the corner of Nott Terrace and Franklin Street, southerly along said terrace to a point just north of Chapel Street on Nott Terrace, from said point southerly along the border of the cemetery to Martin Street extended, along said extenslon to State Street, along said street to Eagle Street, along said street to Maple Avenue, along said avenue to Swan Street, along said street to State Street, along said street to Waldorf Place, along said place to Clifton Place, along said place to Brandywine Avenue, along said avenue to Bradley

Boulevard, along said boulevard to McClellan Street, along said street to Becker Street, along said street to Furman Street, along said street to Bradley Boulevard, along said boulevard to Division Street, along said street to State Street, along said street to South Elm Street, along said street to Albany Street, along said street to Bigelow Avenue, along said avenue to Watt Street, along said street to Altamont Avenue, along said avenue to Interstate 890 West, along said interstate to Broadway, along Broadway to the Penn Central Railroad tracks, along said tracks to a point where said railroad intersects Sixth Avenue extended, then a line southerly from said point to where lt meets a line extended from Bradford Avenue, along said extenslon to Wedgewood Heights, along said heights to Roma Street, along said street to Notre Dame Street, along said street to where the city of Schenectady borders the town of Rotterdam, westerly along the city border, then northerly to the northeast corner of the city, then southerly along the border to Baker Avenue, the point of beginning.

104. One hundred fourth district. In the county of Albany, the towns of Berne, Guilderland, Knox and New Scotland, and that part of the city of Albany bounded by a line described as follows: Beginning at the town of Colonel/city of Albany border heading south on Van Rensselaer Boulevard, southerly along said boulevard to Henry Johnson Boulevard, along said boulevard to North Manning Boulevard, along said boulevard to North Manning Boulevard extended, along said extenslon to Ontario Street extender along said extension to Livingston Avenue, along said avenue to Quail Street, along said street to Second Street, along said street to Ontario Street, along said street to Clinton Avenue, along said avenue to Partridge Street, along said street to Bradford Street, along said street to Ontario Street, along said street to Elk Street, along said street to North Lake Avenue, along said avenue to Sherman Street, along said street to Robin Street, along said street to Bradford

Street, along said street to Lexington Avenue, along said avenue to Sherman Street, along said street to Lark Street, along said street to Washington Avenue, along said avenue to South Swan Street, along said street to State Street, along said street to Eagle Street, along said street to Corning Place, along said place to Lodge Street, along said street to Lodge Street extended, along said extenslon to Hudson Street extended, along said extenslon to South Pearl Street, along said street to Madison Avenue, along said avenue to Fulton Street, along said street to Van Zandt Street, along said street to Grand Street, along said street to Elm Street, along said street to Phillip Street, along said street to Bleeker Place, along said place to Eagle Street, along said street to Charles Street, along said street to Philip Street, along said street to Park Avenue, along said avenue to South Swan Street, along said street to Mocton Avenue, along said avenue to Delaware Avenue, along said avenue to Catherine Street, along said street to Oneida Terrace, along said terrace to Slingerland Street, along said street to Garden Avenue, along said avenue to South Dove Street, along said street to Saint Georges Street, along said street to Moore Street, along said street to Second Avenue, along said avenue to Grandview Terrace, along said terrace to Liebell Street, along said street to Leonard Street, along said street to Seymour Street, along said street to Elizabeth Street, along said street to First Avenue, along said avenue to Cherry Hill Street, along said street to McCarty Avenue, along said avenue to Frisbie Avenue, along said avenue to Cavaleri Drive extended, along said extension to Cavaleri Drive, along said drive to Hoffman Avenue, along said avenue to the I-787 Ramp, along said ramp to Southern Boulevard, along said boulevard to the southern city bordet, westerly along said border to the western border, northerly along said border to the northern border, easterly along said border to where Van Rennselaer Boulevard intersects the northern border, the point of beginning.

105. One hundred fifth district. The county of Montgomery; in the county of Schenectady, the towns of Duanesburg, Princetown and Rotterdam and that part of the city of Schenectady bounded by a line described as follows: Beginning at a point where Baker Avenue intersects the easterly border of the city of Schenectady, along said avenue to Grand Boulevard, along said boulevard to Van Curler Avenue, along said avenue to the intersection of Nott Street and Van Curler, then a line extended westerly from said intersection to Grand Boulevard, along said boulevard to Waverly Place, along said place to Woodward Avenue, along said avenue to Parkwood Boulevard, along said boulevard to The Plaza, along The Plaza to Glenwood Boulevard, along said boulevard to Rugby Road, along said road to Wendell Avenue, along said avenue to Union Avenue, along said avenue to University Place, along said place to Union Street, along said street to Nott Terrace, along said terrace to Eastern Parkway, along said parkway to Landon Terrace, along said terrace to Windsor Terrace, along said terrace to Porter Street, along said street to Vale Place, along said place to Prospect Street, along said street to Vale Park Cemetery, along said cemetery's boundary to the corner of Nott Terrace and Franklin Street, southerly along said terrace to a point just north of Chapel Street on Nott Terrace, from said point southerly along the border of the cemetery to Martin Street extended, along said extension to State Street, along said street to Eagle Street, along said street to Maple Avenue, along said avenue to Swan Street, along said street to State Street, along said street to Waldorf Place, along said place to Clifton Place, along said place to Brandywine Avenue, along said avenue to Bradley Boulevard, along said boulevard to McClellan Street, along said street to Becker Street, along said street to Furman Street, along said street to Bradley Boulevard, along said boulevard to Division Street, along said street to State Street, along said street to South Elm Street, along said street to Albany Street, along said street to

Bigelow Avenue, along said avenue to Watt Street, along said street to Altamont Avenue, along said avenue to Interstate 890 West, along said Interstate to Broadway, along Broadway to the Penn Central Railroad tracks, along said tracks to a point where said railroad intersects Sixth Avenue extended, then a line southerly from said point to where it meets a line extended from Bradford Avenue, along said extension to Wedgewood Heights, along said heights to Roma Street, along said street to Notre Dame Street, along said street to where the city of Schenectady borders the town of Rotterdam, easterly and southerly along the city border to the southeast tip of the city, then northerly along the city border until it intersects with Baker Avenue, the point of beginning.

106. One hundred sixth district. In the county of Rensselaer, the towns of East Greenbush, North Greenbush, the city of Rensselaer, and that part of the city of Troy bounded by a line described as follows: Beginning at a point where Pawling Avenue intersects with the Troy/Brunswick border, along said avenue to Gregory Court, along said court to Spring Avenue, along said avenue to the Poestenkill Creek, easterly along the Poestenkill Creek to Pawling Avenue, along said avenue to Brunswick Avenue, along said avenue to Bank Street, along said street to Bleecker Avenue, along said avenue to Tibbits Avenue, along said avenue to Burdett Avenue, along said avenue to Hoosick Street, along said street to Lavin Court, along said court to Lavin Street, along said street to Sausse Avenue, along said avenue to 17th Street extended, along said extension to Massachusetts Avenue, along said avenue to 15th Street, along said street to Frear Avenue, along said avenue to Oakwood Avenue, along said avenue to Ingalls Avenue, along said avenue to the Boston & Maine Railroad tracks, northerly along said tracks to Douw Street, along said street to 7th Avenue, along said avenue to 101st Street, along said street to Standard Avenue, along said avenue to Grace Court, along said court to 6th Avenue, along

said avenue to 101st Street, along said street to 2nd Avenue, along said avenue to Glen Avenue, along said avenue to the western border of the city, southerly along said border to the southern border, easterly along said border to the eastern border, northerly along said border to the Pawling Avenue/city of Troy intersection, the point of beginning; and In the county of Albany, the cities of Cohoes and Watervalet, the town of Green Island and that part of the city of Albany bounded by a line described as follows: Beginning at the town of Colonie/city of Albany border heading south on Van Rensselaer Boulevard, southerly along said boulevard to Henry Johnson Boulevard, along said boulevard to North Manning Boulevard, along said boulevard to North Manning Boulevard extended, along said extension to Ontario Street extended, along said extenslon to Livingston Avenue, along said avenue to Quail Street, along said street to Second Street, along said street to Ontario Street, along said street to Clinton Avenue, along said avenue to Partridge Street, along said street to Bradford Street, along said street to Ontario Street, along said street to Elk Street, along said street to North Lake Avenue, along said avenue to Sherman Street, along said street to Robin Street, along said street to Bradford Street, along said street to Lexington Avenue, along said avenue to Sherman Street, along said street to Lark Street, along said street to Washington Avenue, along said avenue to South Swan Street, along said street to State Street, along said street to Eagle Street, along said street to Corning Place, along said place to Lodge Street, along said street to Lodge Street extended, along said extenslon to Hudson Street extended, along said extenslon to South Pearl Street, along said street to Madison Avenue, along said avenue to Fulton Street, along said street to Van Zandt Street, along said street to Grand Street, along said street to Elm Street, along said street to Philip Street, along said street to Bleeker Place, along said place to Eagle Street, along said street to Charles Street, along said street to Philip Street, along

said street to Park Avenue, along said avenue to South Swan Street, along said street to Morton Avenue, along said avenue to Delaware Avenue, along said avenue to Catherine Street, along said street to Oneida Terrace, along said terrace to Slingerland Street, along said street to Garden Avenue, along said avenue to South Dove Street, along said street to Saint Georges Street, along said street to Moore Street, along said street to Second Avenue, along said avenue to Grandview Terrace, along said terrace to Liebell Street, along said street to Leonard Street, along said street to Seymour Street, along said street to Elizabeth Street, along said street to First Avenue, along said avenue to Cherry Hill Street, along said street to McCarty Avenue, along said avenue to Frisbie Avenue, along said avenue to Cavaleri Drive extended, along said extension to Cavaleri Drive, along said drive to Hoffman Avenue, along said avenue to the I-787 Ramp, along said ramp to Southern Boulevard, along said boulevard to the southern city border, easterly to the east city border, along said border to the northern city border, westerly along the northern border until it intersects with Van Rensselaer Boulevard, the point of beginning.

107. One hundred seventh district. In the county of Albany, the town of Colonel; and in the county of Saratoga, the towns of Clifton Park, Malta and Stillwater.

108. One hundred eighth district. In the county of Rensselaer, the towns of Berlin, Brunswick, Grafton, Hoosick, Nassau, Petersburg, Pittstown, Poestenkill, Sand Lake, Schaghticoke, Schodack and Stephentown, and that part of the city of Troy bounded by a line described as follows: Beginning at a point where Pawling Avenue Intersects with the Troy/Brunswick border, along said avenue to Gregory Court, along said court to Spring Avenue, along said avenue to the Poestenkill Creek, easterly along the Poestenkill Creek to Pawling Avenue,

along said avenue to Brunswick Avenue, along said avenue to Bank Street, along said street to Bleecker Avenue, along said avenue to Tibbits Avenue, along said avenue to Burdett Avenue, along said avenue to Hoosick Street, along said street to Lavin Court, along said court to Lavin Street, along said street to Sausse Avenue, along said avenue to 17th Street extended, along said extension to Massachusetts Avenue, along said avenue to 15th Street, along said street to Frear Avenue, along said avenue to Oakwood Avenue, along said avenue to Ingalls Avenue, along said avenue to the Boston & Maine Railroad tracks, northerly along said tracks to Douw Street, along said street to 7th Avenue, along said avenue to 101st Street, along said street to Standard Avenue, along said avenue to Grace Court, along said court to 6th Avenue, along said avenue to 101st Street, along said street to 2nd Avenue, along said avenue to Glen Avenue, along said avenue to the western border of the city, northerly along said border to the northern border, easterly along said border to the eastern border, southerly along said border to the Pawling Avenue/city of Troy intersection, the point of beginning; and In the county of Saratoga, the towns of Halfmoon and Waterford, and the city of Mechanicville.

109. One hundred ninth district. The counties of Warren and Essex; in the county of Clinton, the towns of Ausable, Black Brook and Peru; and In the county of Franklin; the towns of Altamont, Brighton, Franklin and Harrietstown.

110. One hundred tenth district. In the county of Clinton; the towns of Altona, Beekmantown, Champlain, Chazy, Clinton, Dannemora, Ellenburg, Mooers, Plattsburgh, Saranac and Schuyler Falls, and the city of Plattsburgh; In the county of Franklin, the towns of Bangor, Bellmont, Bombay, Brandon, Burke, Chateaugay, Constable, Dickinson, Duane, Fort Covington, Malone, Moira, Santa Clara, Waverly and

Westville and the St. Regis Indian Reservation; and in the county of St. Lawrence, the town of Massena.

111. One hundred eleventh district. In the county of Madison, the towns of Brookfield, Cazenovia, De Ruyter, Eaton, Fenner, Georgetown, Hamilton, Lebanon, Lenox, Lincoln, Madison, Nelson, Smithfield, Stockbridge and Sullivan, and the city of Oneida; and in the county of Oneida, the towns of Augusta, Bridgewater, Kirkland, Marshall and Sangerfield; and in the county of Otsego, the towns of Edmeston, Hartwick, Laurens, Milford, New Lisbon, Oneonta and Pittsfield, and the city of Oneonta.

112. One hundred twelfth district. In the county of Lewis, the towns of Croghan, Denmark, Diana, Greig, Lowville, Lyonsdale, New Bremen, Turin and Watson and in the county of St. Lawrence, the towns of Brasher, Canton, Clare, Clifton, Colton, DeKalb, DePeyster, Edwards, Fine, Fowler, Gouverneur, Hammond, Hermon, Hopkinton, Lawrence, Lisbon, Louisville, Macomb, Madrid, Morristown, Norfolk, Oswegatchie, Parishville, Piercefield, Pierrepont, Pitcairn, Potsdam, Rossie, Russel, Stockholm and Waddington, and the city of Ogdensburg.

113. One hundred thirteenth district. The counties of Fulton, Hamilton and Herkimer.

114. One hundred fourteenth district. The county of Jefferson; and in the county of Lewis, the towns of Harrisburg, Lewis, Leyden, Martinsburg, Montague, Osceola, Pinckney and West Turin.

115. One hundred fifteenth district. In the county of Oneida, the towns of Annsville, Ava, Booneville, Camden, Deerfield, Florence, Forestport, Lee, New Hartford, Paris, Remsen, Steuben, Trenton, Vernon, Verona, Vienna, Western, Westmoreland and

Whitestown, and the city of Sherrill, and that part of the city of Utica bounded by a line described as follows: Beginning at a point where Valley View Road Intersects Steele Hill Road, thence westerly along said road to Master Garden Road, along said road to Cemetery Road, along said road to Oneida Street, along said street to Storrs Avenue, along said avenue to Greenwood Court, along said court to Holland Avenue, along said avenue to Memorial Parkway, along said parkway to Genesee Street, along said street to Shepherd Place, along said place to Sunset Avenue, along said avenue to Arnold Avenue, along said avenue to Merriline Avenue, along said avenue to the New York Susquehanna & Western railroad, along said railroad, to the Conrail right of way, along said right of way to French Road, along said road to the city limit, southerly around city limit to the point of beginning.

116. One hundred sixteenth district. In the county of Oneida, the towns of Marcy and Floyd, and the city of Rome, and that part of the city of Utica bounded by a line described as follows: Beginning at a point where Valley View Road Intersects Steele Hill Road, thence westerly along said road to Master Garden Road, along said road to Cemetery Road, along said road to Oneida Street, along said street to Storrs Avenue, along said avenue to Greenwood Court, along said court to Holland Avenue, along said avenue to Memorial Parkway, along said parkway to Genesee Street, along said street to Shepherd Place, along said place to Sunset Avenue, along said avenue to Arnold Avenue, along said avenue to Merriline Avenue, along said avenue to the New York Susquehanna & Western railroad, along said railroad to the Conrail right of way, along said right of way to French Road, along said road to the city limit, northerly around city limit to the point of beginning.

117. One hundred seventeenth [district]. The county of Oswego.

118. One hundred eighteenth district. In the county of Onondaga, the towns of Cicero, Clay and Salina.

119. One hundred nineteenth district. In the county of Onondaga, the towns of De Witt, LaFayette, Onondaga, the Onondaga Indian Reservation, and that part of the city of Syracuse bounded by a line described as follows: Beginning at a point where Polk Street and the city limit meet, along Polk Street to Smith Street, north on said street to Erie Boulevard East, west along said boulevard to North Beech Street, along said street to Burnet Avenue, along said avenue to Mather Street, along said street to Hawley Avenue, along said avenue to Delhi Street, along said street to Oak Place, along said place to Oak Street, along said street to Lodi Street, along said street to Erie Boulevard East, west along said boulevard to Almond Street, along said street to East Washington Street, along said street to South Townsend Street, along said street to East Fayette Street, along said street to South State Street, along said street to East Onondaga Street, along said street to Montgomery Street, along said street to Harrison Street, along said street to West Onondaga Street, along said street to Gifford Street, along said street to a line extended to the center of Onondaga Creek, along said creek to a line extended to West Jefferson Street, northeasterly along said street to South Franklin Street, along said street to Walton Street, along said street to a line extended to the center of Onondaga Creek, along said creek to West Fayette Street, along said street to South Geddes Street, along said street to Marcellus Street, along said street to Seneca Street, along said street to Otisco Street, along said street to Oswego Street, along said street to Tully Street, along said street to Ontario Street, along said street to Central Avenue extended, along said extended avenue to Belmont Avenue extended, along said avenue extended to Otisco Street, along said street to South Geddes Street, along said street to Delaware Street, along said street to Sabine Street, along said street to

Massena Street, along said street to Grace Street, along said street to Delaware Street, along said street to Dudley Street, along said street to Putnam Street, along said street to Bradley Street, along said street to Bellevue Avenue, along said avenue to Roberts Avenue, along said avenue to Grandview Avenue, along said avenue to Hubbell Avenue, along said avenue to Bellevue Avenue, along said avenue to Summit Avenue, along said avenue to Crossett Street, along said street to the Onondaga Park Roadway, along said roadway to Onondaga Avenue, along said avenue to Parkside Avenue, along said avenue to the Onondaga Park Roadway, along said roadway to Summit Avenue, along said avenue to West Colvin Street, along said street to Craddock Street, along said street to Glenwood Avenue, along said avenue to the park entrance road, southerly along said road to Elmwood Avenue, along said avenue to Edgewood Avenue, along said avenue to Fairfield Avenue, along said avenue to South Avenue, along said avenue to a line extended through St. Agnes Cemetery to Griffin Street, along said street to Valley Drive, along said drive to Atlantic Avenue, along said avenue to Ballaptyne Avenue, along said avenue to Midland Avenue, along said avenue to West Florence Avenue extended, along said avenue extended to South Salina Street, along said street to Fillmore Avenue, along said avenue to Churchill Avenue, along said avenue to Walrath Road, along said road to Menlo Drive, along said drive to Bennington Drive, along said drive to South Salina Street, along said street to East Matson Avenue, along said avenue to a line extended south-easterly to Interstate 81, north along said interstate to East Brighton Avenue, along said avenue to Thutber Street, along said street to Jamesville Avenue, along said avenue to East Colvin Street, along said street to Interstate 81 Service Road, north along said service road to a point where it crosses East Taylor Street, along said street to Renwick Avenue, along said avenue to Monroe Street, along said street to Almond Street, along said

street to East Genesee Street, along said street to Forman Avenue, along said avenue to Wellington Place, along said place to Irving Avenue, along said avenue to Harrison Street, along said street to South Crouse Avenue, along said avenue to Madison Street, along said street to University Avenue, along said avenue to Marshall Street, along said street to Walnut Avenue, along said avenue to University Place, along said place to College Place, along said place to Euclid Avenue, along said avenue to Comstock Avenue, along said avenue to Broad Street, along said street to Meadowbrook Drive, along said drive to Buckingham Avenue, along said avenue to East Colvin Street, along said street to Sky Top Road, along said road to Farm Acre Road, along said road to Small Road, along said road to Chinook Drive, along said drive to Sky Top Road, along said road to a line extended southwesterly to the city limit, easterly and northerly along city limit to Polk Street, the point of beginning.

120. One hundred twentieth district. In the county of Onondaga, the town of Geddes and that part of the city of Syracuse bounded by a line described as follows: Beginning at a point where Polk Street intersects the city limit northerly, westerly, southerly, easterly, and northerly along city limit to a line extended northeasterly to Sky Top Road, along said road to Chinook Drive, along said drive to Small Road, along said road to Farm Acre Road, along said road to Sky Top Road, along said road to East Colvin Street, along said street to Buckingham Avenue, along said avenue to Meadowbrook Drive, along said drive to Broad Street, along said street to Comstock Avenue, along said avenue to Euclid Avenue, along said avenue to College Place, along said place to University Place, along said place to Walnut Avenue, along said avenue to Marshall Street, along said street to University Avenue, along said avenue to Madison Street, along said street to South Crouse Avenue, along said avenue to Harrison Street,

along said street to Irving Avenue, along said avenue to Wellington Place, along said place to Forman Avenue, along said avenue to East Genesee Street, along said street to Almond Street, along said street to Monroe Street, along said street to Renwlck Avenue, along said avenue to East Taylor Street, along said street to a point where it crosses Interstate Sl, south along said interstate to East Colvin Street, along said street to Jamesville Avenue, along said avenue to Thurber Street, along said street to East Brighton Avenue, along said avenue to Interstate 81 Service Road, south on said service road to a line extended from Interstate 81 to East Matson Avenue, along said avenue to South Salina Street, along said street to Bennington Drive, along said drive to Menlo Drive, along said drive to Walrath Road, along said road to Churchill Avenue, along said avenue to Fillmore Avenue, along said avenue to South Salina Street, along said street to West Florence Avenue extended, along said extended avenue to Midland Avenue, along said avenue to Ballantyne Avenue, along said avenue to Atlantic Avenue, along said avenue to Valley Drive, along said drive to Griffin Street, along said street to a line extended through St. Agnes Cemetery to South Avenue, along said avenue to Fairfield Avenue, along said avenue tc Edgewood Avenue, along said avenue to Elmwood Avenue, along said avenue to the park entrance road, northerly along said road to Glenwood Avenue, along said avenue to Craddock Street, along said street to West Colvin Street, along said street to Summlt Avenue, along said avenue to the Onondaga Park Roadway, along said roadway to Parkside Avenue, along said avenue to Onondaga Avenue, along said avenue to the Onondaga Park Roadway, along said roadway to Crossett Street, along said street to Summit Avenue, along said avenue to Bellevue Avenue, along said avenue to Hubbell Avenue, along said avenue to Grandview Avenue, along said avenue to Roberts Avenue, along said avenue to Bellevue Avenue, along said avenue to Bradley Street,

along said street to Putnam Street, along said street to Dudley Street, along said street to Delaware Street, along said street to Grace Street, along said street to Massena Street, along said street to Sabine Street, along said street to Delaware Street, along said street to South Geddes Street, along said street to Otisco Street, along said street to Belmont Avenue extended, along said avenue extended to Central Avenue extended, along said avenue extended to Ontario Street, along said street to Tully Street, along said street to Oswego Street, along said street to Otisco Street, along said street to Seneca Street, along said street to Marcellus Street, along said street to South Geddes Street, along said street to West Fayette Street, along said street and a line extended to the center of Onondaga Creek, along said creek to Walton Street, along said street to South Franklin Street, along said street to West Jefferson Street, southwesterly along said street to a line extended to the center of Onondaga Creek, along said creek to Grifford Street, along said street to West Onondaga Street, along said street to Harrison Street, along said street to Montgomery Street, along said street to East Onondaga Street, along said street to South State Street, along said street to East Fayette Street, along said street to South Townsend Street, along said street to East Washington Street, along said street to Almond Street, along said street to Erie Boulevard East, along said boulevard to Lodi Street, along said street to Oak Street, along said street to Oak Place, along said place to Delhi Street, along said street to Hawley Avenue, along said avenue to Mather Street, along said street to Burnet Avenue, along said avenue to North Beech Street, along said street to Erie Boulevard East, along said boulevard to Smith Street, along said street to Polk Street, along said street to city limit, the point of beginning.

121. One hundred twenty-first district. In the county of Onondaga, the towns of Camillus, Elbridge, Fablus, Lysander, Manlius, Marcellus, Otisco, Pompey,

Skaneateles, Spafford, Tully and Van Buren.

122. One hundred twenty-second district. In the county of Chenango, the towns of Afton, Bainbridge, Columbus, Guilford, New Berlin, North Norwich, Notwich, Otsellc, Oxford, Plymouth, Sherburne and Smyrna, and the city of Norwich; in the county of Delaware, the towns of Andes, Bovina, Colchester, Davenport, Delhi, Deposit, Franklin, Hamden, Hancock, Harpersfield, Kortright, Masonville, Meredith, Middletown, Roxbury, Sidney, Stamford, Tompkins and Walton; ln the county of Otsego, the towns of Burlington, Butternuts, Cherry Valley, Decatur, Exeter, Maryland, Middlefield, Morris, Otego, Otsego, Plainfield, Richfield, Roseboom, Springfield, Unadilla, Westford and Worcester.

123. One hundred twenty-third district. In the county of Broome, the towns of Barker, Chenango, Fenton, Lisle, Maine, Nanticoke, Triangle and Union; and in the county of Tioga, the towns of Berkshire, Nichols, Owego and Richford.

124. One hundred twenty-fourth district. In the county of Broome, the towns of Binghamton, Colesville, Conklin, Dickinson, Kirkwood, Sanford, Vestal and Windsor and the city of Binghamton.

125. One hundred twenty-fifth district. In the county of Cortland, the town of Cortlandville and the city of Cortland; and ln the county of Tompkins, the towns of Caroline, Danby, Dryden, Enfield, Groton, Ithaca, Lansing, Newfield and Ulysses, and the city of Ithaca.

126. One hundred twenty-sixth district. In the county of Cayuga, the towns of Aurelius, Brutus, Cato, Conquest, Fleming, Genoa, Ira, Ledyard, Locke, Mentz, Montezuma, Moravia, Niles, Owasco, Scipio, Sempronius, Sennett, Springport, Sterling, Summerhill,

Throop, Venice and Victory, and the city of Auburn; in the county of Chenango, the towns of Coventry, German, Greene, Lincklaen, McDonough, Pharsalia, Pitcher, Preston, and Smithville; in the county of Cortland, the towns of Cincinnatus, Cuyler, Freetown, Harford, Homer, Lapeer, Marathon, Preble, Scott, Solon, Taylor, Truxton, Virgil, and Willet.

127. One hundred twenty-seventh district. In the county of Chemung, the towns of Ashland, Baldwin, Big Flats, Catlin, Chemung, Elmica, Erin, Horseheads, Southport, Van Etten and Veteran and the city of Elmira; and In the county of Tioga, the towns of Barton, Candor, Newark Valley, Spencer and Tioga.

128. One hundred twenty-eighth district. In the county of Seneca, the towns of Covert, Fayette, Junius, Lodi, Ovid, Romulus, Seneca Falls, Tyre, Varick and Waterloo, and that part of the city of Geneva situated therein; In the county of Wayne, the towns of Arcadla, Butler, Galen, Huron, Lyons, Macedon, Marlon, Ontario, Palmyra, Rose, Savannah, Sodus, Walworth, Williamson and Wolcott.

129. One hundred twenty-ninth district. In the county of Livingston, the towns of North Dansville, Sparta and Springwater; and In the county of Ontario, the towns of Bristol, Canadice, Canandalgua, East Bloomfield, Farmington, Geneva, Gorham, Hopewell, Manchester, Naples, Phelps, Richmond, Seneca, South Bristol and West Bloomfield, the city of Canandalgua and that part of the city of Geneva situated therein and in the county of Yates, the towns of Barrington, Benton, Italy, Jerusalem, Middlesex, Milo, Potter, Starkey and Torrey.

130. One hundred thirtieth district. In the county of Schuyler, the towns of Cathatine, Cayuta, Dix, Hector, Montour, Orange, Reading and Tyrone. In the county of Steuben, the towns of Addison, Avoca, Bath, Bradford,

Cameron, Campbell, Canisteo, Caton, Cohocton, Corning, Dansville, Erwin, Fremont, Greenwood, Hartsville, Hornby, Hornellsville, Howard, Jaspec, Lindley, Prattsburg, Pulteney, Rathbone, Thurston, Troupsburg, Tuscarora, Urbana, Wayland, Wayne, West Union, Wheeler and Woodhull, and the cities of Corning and Hornell.

131. One hundred thirty-first district. In the county of Monroe, the towns of Chili and Wheatland, and that part of the city of Rochester bounded by a line described as follows: Beginning at a point where Elmwood Avenue intersects the Genesee River, along the Genesee River to Ford Street, along said street to Mt. Hope Avenue, along said avenue to South Avenue, along said avenue to the point where it intersects with Innerloop I-490, northwesterly along said Innerloop to Main Street East, along said street to Union Street North, along said street to University Avenue, along said avenue to Goodman Street North, along said street to Circle Street, along said street to Main Street East, along said street to Palmer Street, along said street to Breck Street, along said street to Mustard Street, along said street to Chapel Street, along said street to Barnum Street, along said street to Leighton Avenue, along said avenue to Crouch Street, along said street to Atlantic Avenue, along said avenue to Culver Road, along said road to Main Street East, along said street to Kingston Street, along said street to Garson Avenue, along said avenue to Denver Street, along said street to Hazlewood Terrace, along said terrace to Webstet Avenue, along said avenue to Rosewood Terrace, along said terrace to Shafer Street, along said street to Webster Avenue, along said avenue to Bock Street, along said street to Bay Street, along said street to Winterroth Street, along said street to Rocket Street, along said street to Goodman Street North, along said street to Clifford Avenue, along said avenue to Manltou Street, along said street to Fernwood Avenue, along said avenue to

Renwood Street, along said street to Clifford Avenue, along said avenue to Speigel Park, along said park to Fernwood Avenue, along said avenue to Portland Avenue, along said avenue to Holbrooke Street, along said street to Carter Street, along said street to Del Monte Street, along said street to North Street, along said street to Kosclusko Street, along said street to Hudson Avenue, along said avenue to Pulaski Street, along said street to St. Casimir Street, along said street to Weaver Street, along said street to Klein Street, along said street to Van Stallen Street, along said street to Seneca Avenue, along said avenue to Norton Street, along said street to St. Paul Street, along said street to Avenue D, along said avenue to Harris Street, along said street to Carthage Drive, along said drive to St. Paul Street, along said street to Clifford Avenue Extended, along said avenue to the Genesee River, along said river to the point where it intersects Spencer Street Extended, along said street to Haidt Place, along said place to White Street, along said street to Vincent Street, along said street to Haidt Place, along said place to Lake Avenue, along said avenue to Smith Street, along said street to Orchard Street, along said street to Lime Street, along said street to Child Street, along said street to Orange Street, along said street to Whitney Street, along said street to interstate I-490, along said interstate to Child Street, along said street to Wilder Street, along said street to Orchard Street, along said street to Maple Street, along said street to York Street, along said street to Conrail Railroad, along said railroad to Glide Street, along said street to interstate I-490, along said interstate to Mt. Reed Boulevard, along said boulevard to Emerson Street, along said street to Conrail Railroad, along said railroad to Park Avenue, along said avenue to Lark Street, along said street to Selye Terrace, along said terrace to Dewey Avenue, along said avenue to Birr Street, along said street to Lake Avenue, along said avenue to State Highway 104, along said highway to St. Paul Street, along said street to the point where It

lntersects the Rochester/Irondequoit border, along said border to Bachman Road, along said road to Portland Avenue, along said avenue to Pomeroy Street, along said street to Midland Avenue, along said avenue to Corwin Street, along said street to Goodman Street North, along said street to Ashwood Drive, along said drive to Gilbert Street, along said street to Marne Street, along said street to Goodman Street North, along said street to Northland Avenue, along said avenue to Lyceum Street, along said street to Clifford Avenue, along said avenue to Pershing Drive, along said drive to Rocket Street, along said street to Sallsbury Street, along said street to Bay Street, along said street to Iroquois Street, along said street Parke Avenue, along said avenue to Greeley Street, along said street to Betwyn Street, along said street to Vermont Street, along said street to Culver Road, along said road to Cedarwood Terrace, along said terrace to Barry Street, along said street to Main Street East, along said street to Indiana Street, along said street to Atlantic Avenue, along said avenue to Allandale Avenue, along said avenue to Humboldt Street, along said street to Carlson Road, along said road to Blossom Road, along said road to University Avenue, along said avenue to Culver Road, along said road to East Avenue, along said avenue to Berkley Street, along said street to Park Avenue, along said avenue to Edgerton Street, along said street to Milburn Street, along said street to Barrington street, along said street to Harvard Street, along said street to Rutgers Street, along said street to Montoe Avenue, along said avenue to interstate I-490, along said interstate to Field Street, along said street to Pembroke Street, along said street to Nelson Street, along said street to Henrietta Street, along said street to Field Street, along said street to South Clinton Avenue, along said avenue to the Rochester City limit extended, southerly along said city limit to where lt lntersects with the Barge Canal, along said canal to the center of the Genesee River, along said river to its intersection with Elmwood Avenue, the point

of beginning.

132. One hundred thirty-second district. In the county of Monroe, the towns of Brighton and Irondequoit, and that part of the city of Rochester bounded by a line described as follows: Beginning at a point where South Clinton Avenue meets the city limit, thence northerly along South Clinton Avenue to Field Street, along said street to Henrietta Street, westerly along said street to Nelson Street, along said street to Pembcoke Street, easterly along said street to Field Street, northerly along said street to Interstate I-490, easterly along said Interstate to Monroe Avenue, northerly along said avenue to Rutgers Street, along said street to Harvard Street, easterly along said street to Barrington Street, along said street to Milburn Street, along said street to Edgerton Street, along said street to Park Avenue, along said avenue to Berkeley Street, along said street to East Avenue, along said avenue to Culver Road, along said road to University Avenue, along said avenue to Blossom Road, along said road to Carlson Road, along said road to Humboldt Street, along said street to Allandale Avenue, along said avenue to Atlantic Avenue, along said avenue to Indiana Street, along said street to Main Street East, along said street to Barry Street, along said street to Cedarwood Terrace, along said terrace to Culver Road, along said road to Vermont Street, along said street to Greeley Street, along said street to Parkside Avenue, along said avenue to Berwyn Street, along said street to Iroquols Street, along said street to Bay Street, along said street to Salisbury Street, along said street to Rocket Street, along said street to Pershing Drive, along said drive to Clifford Avenue, along said avenue to Lyceum Street, along said street to Northland Avenue, along said avenue to Goodman Street North, along said street to Marne Street, along said street to Gilbert Street, along said street to Ashwood Drive, along said drive to Goodman Street North, along said street to Corwin Street, along

said street to Midland Avenue, along said avenue to Pomeroy Street, along said street to Portland Avenue, along said avenue to Bachman Road, along said road to the city limit, follow the city limit southerly, easterly, and northerly, continuing to South Clinton Avenue, along said avenue to lst intersection with Field Street the point of beginning.

133. One hundred thirty-third district. In the county of Monroe, the town of Gates, and that part of the city of Rochester bounded by a line described as follows: Beginning at a point where the city limit intersects Conrail railroad, along said railroad to York Street, along said street to Maple Street, along said street to Orchard Street, along said street to Wilder Street, along said street to Child Street, along said street to Interstate I-490, along said interstate to Whitney Street, along said street to Orange Street, along said street to Child Street, along said street to Lime Street, along said street to Orchard Street, along said street to Smith Street, along said street to Lake Avenue, along said avenue to Haidt Place, along said place to Vincent Street, along said street to White Street, along said street to Haldt Place, along said place to Spencer Street Extended, along said street to the center of the Genesee River, along said river to Clifford Avenue Extended, along said avenue to St. Paul Street, along said street to Carthage Drive, along said drive to Harris Street, along said street tO Avenue D, along said avenue to St. Paul Street, along said street to Norton Street, along said street to Seneca Avenue, along said avenue to Van Stallen Street, along said street to Klein Street, along said street to Weaver Street, along said street to St. Casimir Street, along said street to Pulaskl Street, along said street to Hudson Avenue, along said avenue to Kosciusko Street, along said street to North Street, along said street to Del Monte Street, along said street to Carter Street, along said street to Holbrooke Street, along said street to Portland Avenue, along said avenue to Fernwood Avenue,

along said avenue to Spiegel Park, along said park to Clifford Avenue, along said avenue to Renwood Street, along said street to Fernwood Avenue, along said avenue to Manitou Street, along said street to Clifford Avenue, along said avenue to Goodman Street North, along said street to Rocket Street, along said street to Winterroth Street, along said street to Bay Street, along said street to Bock Street, along said street to Webster Avenue, along said avenue to Shafer Street, along said street to Rosewood Terrace, along said terrace to Webster Avenue, along said avenue to Hazelwood Terrace, along said terrace to Denver Street, along said street to Garson Avenue, along said avenue to Kingston Street, along said street to Main Street East, along said street to Culver Road, along said road to Atlantic Avenue, along said avenue to Crouch Street, along said street to Leighton Avenue, along said avenue to Barnum Street, along said street to Chapel Street, along said street to Mustard Street, along said street to Breck Street, along said street to Palmer Street, along said street to Main Street East, along said street to Circle Street, along said street to Goodman Street North, along said street to University Avenue, along said avenue to Union Street North, along said street to Main Street East, along said street to Innerloop I-490, northwesterly along Innerloop I-490 to South Avenue, along said avenue to Mt. Hope Avenue, along said avenue to Ford Street, along said street to the point where it intersects with the center of the Genesee River, along said river to Elmwood Avenue, along said avenue to the western bank of the Genesee River, along said river bank to the Barge Canal, along said canal to the point where it Intersects the city limit, northerly along said city limit to where it intersects Conrail Railroad, the point of beginning; furthermore, that area known as the Monroe County Airport, which is circumscribed by city limits noncontiguous to those aforementioned.

134. One hundred thirty-fourth district. In the county

of Monroe, the town of Greece, and that part of the city of Rochester bounded by a line described as follows: Beginning at a point where St. Paul Street Intersects the Rochester city line, south to where said street intersects State Highway 104, along said highway to Lake Avenue, along said avenue to Birr Street, along said street to Dewey Avenue, along said avenue to Selye Terrace, along said terrace to Lark Street, along said street to Park Avenue, along said avenue to the Conrail Railroad, along said railroad to Emerson Street, along said street to Mt. Read Boulevard, along said boulevard to Interstate I-490, along said Interstate to Glide Street, along said street to Conrail Railroad, along said railroad to the city border, along the city border to the northern most city limit, continuing south along city limit to its intersection with St. Paul Street, the point of beginning.

135. One hundred thirty-fifty district. In the county of Monroe, the towns of East Rochester, Penfield, Perinton and Webster; and in the county of Ontario, the town of Victor.

136. One hundred thirty-sixth district. In the county of Livingston, the towns of Avon, Conesus, Geneseo, Groveland, Lima, Livonia, Mount Morris, Nunda, Ossian and West Sparta; and in the county of Monroe, the towns of Henrietta, Mendon, Pittsford and Rush; in the county of Allegany, the towns of Almond, Angellca, Belfast, Birdsall, Burns, Grove, Ward and West Almond.

137. One hundred thirty-seventh district. In the county of Genesee, the towns of Batavia, Byron, Elba, Oakfield and Stafford, and the city of Batavia; in the county of Monroe, the towns of Clarkson, Hamlin, Ogden, Parma, Riga and Sweden; and in the county of Orleans, the towns of Albion, Carlton, Clarendon, Galnes, Kendall and Murray.

138. One hundred thirty-eighth district. In the county

of Niagara, the towns of Cambria, Hartland, Lewiston, Newfane, Niagara, Porter and Wilson, and the Tuscarora Indian Reservation, and the city of Niagara Falls.

139. One hundred thirty-ninth district. In the county of Niagara, the towns of Lockport, Pendleton, Royalton, Somerset, Wheatfield, that portion of the Tonawanda Indian Reservation situated herein, and the cities of Lockport and North Tonawanda; and in the county of Orleans, the towns of Barre, Ridgeway, Shelby and Yates.

140. One hundred fortieth district. In the county of Erie, the town of Tonawanda, the city of Tonawanda, and that part of the city of Buffalo bounded by a line described as follows: beginning at a point where Kenmore Avenue Intersects Starin Avenue, thence southerly along said avenue to Taunton Place, along said place to Winston Road, along said road to Hertel Avenue, along said avenue to Parkside Avenue, along said avenue to Linden Avenue, along said avenue to Colvin Avenue, along said avenue to the Penn Central Railroad right of way, along said right of way to Elmwood Avenue, along said avenue to Hertel Avenue, along said avenue to Norris Street, along said street to Race Street, along said street to Clayton Street, along said street to Layer Avenue, along said avenue to Military Road, along said road to Kofler Avenue, along said avenue to Clayton Street, along said street to Ruhl Avenue, along said avenue to Military Road, along said road to the city limit, along the city limit to its intersection with Starin Avenue, the point of beginning.

141. One hundred forty-first district. In the county of Erie, that part of the city of Buffalo bounded by a line described as follows: Beginning at a point where the city limit Intersects Burke Drive, thence southerly along said drive to Huntley Road, along said road to Eldon Road, along said road to Woodley Road, along said road to

Burke Drive, along said drive to Eggert Road, along said road to Dartmouth Avenue, along said avenue to Orleans Street, along said street to Shirley Avenue, along said avenue to Bailey Avenue, along said avenue to Winspear Avenue, along said avenue to Comstock Avenue, along said avenue to Highgate Avenue, along said avenue to Main Street, along said street to Erie Lackawanna Railroad right-of-way, along said right-of-way to Beard Avenue, along said avenue to Hertel Avenue, along said avenue to Wesley Avenue, along said avenue to Huntington Avenue, along said avenue to Parker Avenue, along said avenue to Woodbridge Avenue, along said avenue to Voorhees Avenue, along said avenue to Depew Avenue, along said avenue to Starln Avenue, along said avenue to Morris Avenue, along said avenue to Linden Avenue, along said avenue to Starln Avenue, along said avenue to Amherst Street, along said street to Summit Avenue, along said avenue to Crescent Avenue, along said avenue to Parkside Avenue, along said avenue to Agasslz Circle, along the greater distance of said circle to Humboldt Parkway, along said parkway to Kensington Avenue, along said avenue to Main Street, along said street to West Delavan Avenue, along said avenue to Chapin Parkway, along said parkway to Gates Circle, along the lesser distance of said circle to Lafayette Avenue, along said avenue to Linwood Avenue, along said avenue to Bryant Street, along said street to Main Street, along said street to Exchange Street, along said street to Michigan Avenue, along said avenue to the Niagara Thruway, along said thruway to the Penn Central Railroad right of way, along said right of way to the Erie Lackawanna Railroad right of way, along said right of way to Ohio Street, along said street to Chicago Street, along said street to Miami Street, along said street to Louisiana Street, along said street to South Park Avenue, along said avenue to Alabama Street, along said street to Coatsworth Alley, along said alley to Hamburg Street, along said street to Exchange Street, along said

street to Van Rensselaer Street, along said street to Seneca Street, along said street to Emslie Street, along said street to North Division Street, along said street to Lord Street, along said street to Penn Central Railroad right-of-way, along said right-of-way to Smith Street, along said street to Eagle Street, along said street to Clare Street, along said street to James Street, along said street to Montgomery Street, along said street to Clinton Street, along said street to Clare Street, along said street to Oneida Street, along said street to Penn Central Railroad right-of-way, along said right-of-way to Fillmore Avenue, along said avenue to William Street, along said street to Wilson Street, along said street to Peckham Street, along said street to Townsend Street, along said street to Broadway, along Broadway to Gibson Street, along said street to Stanislaus Street, along said street to Kosciuszko Street, along said street to Sycamore Street, along said street to the Penn Central Railroad right of way, along said right of way to Bailey Avenue, along said avenue to West Shore Avenue, along said avenue to Fay Street, along said street to Walden Avenue, along said avenue to Keystone Street, along said street to Doat Street, along said street to Peace Street, along said street to Forman Street, along said street to Genesee Street, along said street to the city limit, and along the city limit to its intersection with Burke Drive, the point of beginning.

142. One hundred forty-second district. In the county of Erie, the town of Amherst and that part of the city of Buffalo bounded by a line described as follows: Beginning at a point where Kenmore Avenue intersects Capen Boulevard, along said boulevard to Main Street, along said street to Englewood Avenue, along said avenue to Coyle Place, along said place to Merrimac Street, along said street to Main Street, along said street to West Winspear Avenue, along said avenue to the Erie Lackawanna Railroad right of way, along said right of way to Starin Avenue, along said avenue to Kenmore

Avenue, along said avenue to 1st intersection with Capen Boulevard, the point of beginning, and also that part of the city of Buffalo bounded by a line described as follows: Beginning at a point where Balley Avenue intersects the city limit, thence southerly along said avenue to Shirley Avenue, along said avenue to Orleans Street, along said street to Dartmouth Avenue, along said avenue to Eggert Road, along said road to Burke Drive, along said drive to Woodley Road, along said road to Eldon Road, along said road to Huntley Road, along said road to Burke Drive, along said drive to the city limit, and along the city limit to its intersection with Bailey Avenue, the point of beginning.

143. One hundred forty-third district. In the county of Erie, the town of Cheektowaga and that part of the city of Buffalo bounded by a line described as follows: Beginning at a point where the city limit intersects Genesee Street, thence westerly along said street to Fotman Street, along said street to Peace Street, along said street to Doat Street, along said street to Keystone Street, along said street to Walden Avenue, along said avenue to Fay Street, along said street to West Shore Avenue, along said avenue to Bailey Avenue, along said avenue to the Penn Central Railroad right of way, along said right of way to Sycamore Street, along said street to Kosciuszko Street, along said street to Stanislaus Street, along said street to Gibson Street, along said street to Broadway, along Broadway to Townsend Street, along said street to Peckham Street, along said street to Wilson Street, along said street to William Street, along said street to Fillmore Avenue, along said avenue to Howard Street, along said street to the Norfolk and Western Railroad right of way, along said right of way to the Penn Central Railroad right of way, along said right of way to Thomas Street, along said street to Howard Street, along said street to Metcalfe Street, along said street to William Street, along said street to Bailey Avenue, along said avenue to Ludington Street, along

said street to Greene Street, along said street to East Lovejoy Street, along said street to Gold Street, along said street to Broadway, along Broadway to the Penn Central Railroad right of way, along said right of way to the city limit, along the city limit to Broadway, along Broadway to Goethe Street, along said street to Relman Street, along said street to the city limit, along the city limit to 1st intersection with Genesee Street, the point of beginning.

144. One hundred forty-fourth district. In the county of Erie, the town of Grand Island, and that part of the city of Buffalo bounded by a line described as follows: Beginning at a point where the State line intersects the Buffalo River extended, along said extension to the Buffalo River, along said river to the Buffalo Skyway, along said skyway to the Niagara Thruway, along said thruway to Main Street, along said street to Bryant Street, along said street to Linwood Avenue, along said avenue to Lafayette Avenue, along said avenue to Gates Circle, along the lesser distance of said circle to Chapln Parkway, along said parkway to West Delavan Avenue, along said avenue to Main Street, along said street to Kensington Avenue, along said avenue to the Humboldt Parkway, along said parkway to Agasslz Circle, along the greater distance of said circle to Parkside Avenue, along said avenue to Crescent Avenue, along said avenue to Summit Avenue, along said avenue to Amherst Street, along said street to Starln Avenue, along said avenue to Linden Avenue, along said avenue to Morris Avenue, along said avenue to Starin Avenue, along said avenue to Depew Avenue, along said avenue to Voorhees Avenue, along said avenue to Woodbridge Avenue, along said avenue to Parker Avenue, along said avenue to Huntington Avenue, along said avenue to Wesley Avenue, along said avenue to Hertel Avenue, along said avenue to Beard Avenue, along said avenue to the Erie Lackawanna Railroad along said right of way to Main Street, along said street to Highgate Avenue, along said

avenue to Comstock Avenue, along said avenue to Winspear Avenue, along said avenue to Bailey Avenue, along said avenue to Main Street, along said street to Windermere Boulevard, along said boulevard to Kenmore Avenue, along said avenue to Capen Boulevard, along said boulevard to Main Street, along said street to Englewood Avenue, along said avenue to Coyle Place, along said place to Merrimac Street, along said street to Main Street, along said street to West Winspear Avenue, along said avenue to the Erie Lackawanna Railroad right of way, along said right of way to Stacin Avenue, along said avenue to .Taunton Place, along said place to Winston Road, along said road to Hertel Avenue, along said avenue to Parkside Avenue, along said avenue to Linden Avenue, along said avenue to Colvin Avenue, along said avenue to the Penn Central Railroad right of way, along said right of way to Elmwood Avenue, along said avenue to Hertel Avenue, along said avenue to Norrls Street, along said street to Race Street, along said street to Clayton Street, along said street to Layer Avenue, along said avenue to Military Road, along said road to Kofler Avenue, along said avenue to Clayton Street, along said street to Ruhl Avenue, along said avenue to Military Road, along said road to the city limit, along the city limit to its lntersection with the center of the Buffalo River, and along the center of said river to the state line, the point of beginning.

145. One hundred forty-fifth district. In the county of Erie, the towns of Alden, Aurora, Colden, Holland, Marilla, Newstead, Orchard Park and Wales, and that portion of the Tonawanda Indian Reservation situated herein, and that part of the city of Buffalo bounded by a line described as follows: Beginning at a point where the city limit intersects the center of the Buffalo River, thence westerly along the center of said river to Cable Street extended, along said extenslon to Cable street, along said street to Clinton Street, along said street to

the Niagara Thruway, along said thruway to the Penn Central Railroad right of way, along said right of way to Babcock Street, along said street to Seneca Street, along said street to Oakdale Place, along said place to Wescott Street, along said street to Milton Street, along said street to Seneca Street, along said street to Keating Street, along said street to Elk Street, along said street to the Erie Lackawanna Railroad right of way, along said right of way to the center of the Buffalo River, along the center of said river to a point where lt meets with the center of Cazenovla Creek, along the center of said creek to its intersection with the right of way of the South Buffalo Railroad extended, along said right of way to South Park Avenue, along said avenue to the center of the Buffalo River, along the center of said river to the Erie Lackawanna Railroad right of way, along said right of way to the Norfolk and Western Railroad right of way, along said right of way to the right of way of the Erie Lackawanna Railroad, along said right of way to Tifft Street, along said street to the Penn Central Railroad right of way, along said right of way to Marilla Street, along said street to Hopkins Street, along said street to the Baltimore and Ohio Railroad right of way, along said right of way to Dorrance Avenue, along said avenue to the city limit, and along the city limit to its lntersection with the center of the Buffalo River, the point of beginning, and that portion of the city of Lackawanna bounded by a line described as follows: Beginning at a point where Berg Road lntersects the city limit, thence northerly along the city limit to its lntersection with Dorrance Avenue, along said avenue to its intersection with the Baltimore and Ohio Railroad tight of way, along said right of way to its intersection with South Park Avenue, along said avenue to Ridge Road, along a line extended southerly from Ridge Road to the end of Cemetery Road, along said road to South Park Avenue, along said avenue to the city limit, and along the city limit to its intersection with Berg Road, the point of beginning.

146. One hundred forty-sixth district. In the county of Erie, the towns of Boston, Brant, Collins, Eden, Evans, Hamburg, North Collins, and that portion of the Cattaraugus Indian Reservation situated herein, and that part of the city of Buffalo bounded by a line described as follows: Beginning at a point where the state line intersects the Buffalo River Extended, along said extension to the Buffalo River, along said river to the Buffalo Skyway, along said skyway to the Niagara Thruway, along said thruway to Main Street, along said street to Exchange Street, along said street to Michigan Avenue, along said avenue to Penn Central Railroad right-of-way, along said right-of-way to Ohio Street, along said street to Chicago Street, along said street to Miami Street, along said street to Louisiana Street, along said street to South Park Avenue, along said avenue to Alabama Street, along said street to Coatsworth Alley, along said alley to Hamburg Street, along said street to Exchange Street, along said street to Van Rensselaer Street, along said street to Seneca Street, along said street to Emslie Street, along said street to North Division Street, along said street to Lord Street, along said street to Penn Central Railroad right-of-way, along said right-of-way to Smith Street, along said street to Eagle Street, along said street to Clare Street, along said street to James Street, along said street to Montgomery Street, along said street to Clinton Street, along said street to Clare Street, along said street to Oneida Street, along said street to Penn Central Railroad right-of-way, along said right-of-way to Howard Street, along said street to the Norfolk and Western Railroad right-of-way, along said right-of-way to the Penn Central Railroad right-of-way, along said right-of-way to Thomas Street, along said street to Howard Street, along said street to Metcalfe Street, along said street to William Street, along said street to Bailey Avenue, along said avenue to Clinton Street, along said street to the Niagara Thruway, along said thruway to the Penn Central Railroad right-of-way, along said right-of-way to Babcock Street, along said street to

Seneca Street, along said street to Oakdale Place, along said place to Wescott Street, along said street to Milton Street, along said street to Seneca Street, along said street to Keating Street, along said street to Elk Street, along said street to the Erie Lackawanna Railroad right-of-way, along said right-of-way to the center of the Buffalo River, along the center of said river to a point where lt meets with the center of Cazenovla Creek, along the center of said creek to 1st intersection with the South Buffalo Railroad right-of-way extended, along said right-of-way to South Park Avenue, along said avenue to the center of the Buffalo River, along the center of said river to the Erie Lackawanna Railroad right-of-way, along said right-of-way to the Norfolk and Western Railroad right-of-way, along said right-of-way to the Erie Lackawanna Railroad right-of-way, along said right-of-way to Tifft Street, along said street to the Penn Central Railroad right-of-way, along said right-of-way to Marilla Street, along said street to Hopkins Street, along said street to the Baltimore and Ohio Railroad right-of-way, along said right-of-way to the city limit, along the city limit to the.point of beginning, and that part of the city of Lackawanna bounded by a line described as follows: Beginning at a point where Dorrance Avenue intersects the Baltimore and Ohio Railroad right-of-way, thence southerly along said right-of-way to South Park Avenue, along said avenue to Ridge Road, along said road to a line extending from the end of Cemetery Road, along said road to South Park Avenue, along said avenue to the city limit, along the city limit extended to the state line, along the state line to a line extending from the city limit to the city limit extended, along the city limit to Dorrance Avenue, and along said avenue to its intersection with the Baltimore and Ohio Railroad right-of-way, the point of beginning.

147. One hundred forty-seventh district. The county of Wyoming; ln the county of Allegany the towns of

Allen, Caneadea, Centerville, Granger, Hume and Rushford; in the county of Erie, the towns of Concord and Sardinia; in the county of Livingston, the towns of Caledonia, Leicester, Portage and York; In the county of Genesee, the towns of Alabama, Alexander, Bergen, Bethany, Darlen, LeRoy, Pavillon, and Pembroke, and that portion of the Tonawanda Indian Reservation situated herein; in the county of Cattaraugus, the towns of Ashford, Dayton, East Otto, Ellicottville, Farmersville, Freedom, Machias, Otto, Pecrysburg, Persia and Yorkshire, and that portion of the Cattaraugu Indian Reservation situated herein.

148. One hundred forty-eighth district. In the county of Erie, the towns of Clarence, Elma, Lancaster, West Seneca, and that part of the city of Buffalo bounded by a line described as follows: Beginning at a point where Clinton Street intersects Bailey Avenue, along said avenue to Ludington Street, along said street to Greene Street, along said street to East Lovejoy Street, along said street to Gold Street, along said street to Broadway, along Broadway to the Penn-Central Railroad right of way, along said right of way to the city limit, along the city limit to Broadway, along Broadway to Goethe Street, along said street to Reiman Street, along said street to the city limit, along the city limit to its intersection with the center of the Buffalo River, along the center of said river to Cable Street extended, along said extension to Cable street, along said street to Clinton Street, and along said street to its intersection with Bailey Avenue, the point of beginning.

149. One hundred forty-ninth district. In the county of Allegany, the towns of Alfred, Alma, Amity, Andover, Bolivar, Clarksville, Cuba, Friendship, Genesee, Independence, New Hudson, Scio, Wellsville, Willing and Wirt, and that portion of the Oil Springs Indian Reservation situated herein; in the county of Cattaraugus, the towns of Allegany, Carrollton, Cold

Spring, Conewango, Franklinville, Great Valley, Hinsdale, Humphrey, Ischua, Leon, Little Valley, Lyndon, Mansfield, Napoli, New Albion, Olean, Portville, Randolph, Red House, Salamanca and South Valley, and the cities of Olean and Salamanca, and the Allegany Indian Reservation, and that portion of the 011 Springs Indian Reservation situated herein; in the county of Chautauqua, the towns of Carroll, Cherry Creek, Ellicott, Ellington, Gerry, Poland and Villenova.

150. One hundred fiftieth district. In the county of Chautauqua, the towns of Arkwright, Busti, Charlotte, Chautauqua, Clymer, Dunkirk, Ellery, French Creek, Hanover, Harmony, Kiantone, Mina, North Harmony, Pomfret, Portland, Ripley, Sheridan, Sherman, Stockton and Westfield, and the cities of Dunkirk and Jamestown and that portion of the Cattaraugus Indian Reservation situated herein.

END

APPENDIX TO JURISDICTIONAL STATEMENT

No. 92-586

Supreme Court, U.S.
FILED
NOV 4 1992
OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

October Term, 1992

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC. ("FAIR"), *et al.*,

Appellants,

against

SAUL WEPRIN, *et al.*,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

Motion of Appellees Mario Cuomo, Stanley Lundine and The Board of Elections of New York State to Dismiss or Affirm

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(2522—LC7-592—1992)

Questions Presented

I. Whether the District Court was correct in finding no violation of the one person, one vote principle where the maximum population deviation between State Assembly districts is less than ten percent and where such minor population deviations are justified in any event?

II. Whether the District Court was correct in finding no unconstitutional partisan gerrymander of the Democratic controlled Assembly where the Republican controlled Senate approved the redistricting plan for the Assembly?

III. Whether the District Court was correct in finding no violation of the Equal Protection Clause where there are rational and legitimate State interests in redistricting the Assembly as the State chose to do?

Parties to Proceedings Below

Appellants here, plaintiffs in the FAIR action below, are as follows: The Fund for Accurate and Informed Representation, Inc., Juan De Santis, Augustine C. Chen, Onel Alfaro, Margaret Quigley, Helen K. Horn, Calvin L. Walton, Juan L. Jimenez, Felix Figueroa, Alfred Hong, Emory N. Jackson and Juan De La Cruz, Brooklyn Political Action Committee, Inc., Martin Chicon, Ronald Travis, Martha Howlette, Louis Deguzman, Marion Phillips, Bay Ridge Community Council, Inc., George K. Arthur, Beverly A. Summe, Betty A. Wiedemann, Constance M. White, Eva Heaney, Larry Wilson, Barbara J. Groll, Frank DeBenedictus, Richard Birmingham, Sr., Margaret M. Filand, John A. Longeretta, Richard Ellis, Coulette Lafuente, and Edward Warnke.

Appellees here, defendants in the FAIR action below, are as follows: Saul Weprin, both Individually and as Speaker of the Assembly of the State of New York, David Gantt, both Individually and as Co-Chairman of the Legislative Task Force on Demographic Research and Reapportionment, Dean Skelos, both Individually and as Co-Chairman of the Legislative Task Force on Demographic Research and Reapportionment, Mario Cuomo, both Individually and as Governor of the State of New York, Stanley Lundine, both Individually and as Lt. Governor of the State of New York and as Presiding Officer and President of the Senate of the State of New York, The New York State Legislative Task Force on Demographic Research and Reapportionment, the Senate of the State of New York, The Assembly of the State of New York, and The Board of Elections of New York State.

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No. 92-586

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992.

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC. ("FAIR"), *et al.*,

Appellants,

against

SAUL WEPRIN, *et al.*,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

Motion of Appellees to Dismiss or Affirm

Pursuant to Rule 18.6, Appellees Mario Cuomo, Stanley Lundine and the Board of Elections of New York State (the "Executive Appellees") move to dismiss or affirm the appeal filed on behalf of the Fund for Accurate and Informed Representation, Inc. ("FAIR"). The motion is

grounded on the fact that the questions presented are so insubstantial as not to need further argument.

Constitutional Provisions and Statutes Involved

This case arises under:

(a) Section I of the Fourteenth Amendment of the Constitution of the United States which provides, in pertinent part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.;

(b) the First Amendment to the Constitution of the United States which provides, in pertinent part:

> Congress shall make no law . . . abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.; and,

(c) Chapters 76, 77 and 78 of the Laws of 1992 for New York State, the portion of which pertaining to the redistricting of the New York Assembly is appended to the Jurisdictional Statement in the Appendix. See Appendix I.

Statement

New York has a bicameral Legislature consisting of a Senate and Assembly. The State Constitution at Article III, § 5, requires that valid redistricting plans for the Senate and Assembly must be enacted in the same legislation and Article III, § 14, requires that a majority of each house must approve a bill before it becomes law. Pursuant to Article IV, § 7, a bill vetoed by the Governor can become law only if two-thirds of the members of each house approve.

In early 1992 Democrats controlled the Assembly with 95 of 150 members, a majority less than two-thirds, while Republicans controlled the Senate with 35 of 61 members, also a majority less than two-thirds. Clearly, each party had the opportunity to influence the redistricting of each house because each party needed votes from the other to enact any redistricting plan, particularly a veto-proof plan.

The redistricting plan (except for modifications to two districts made in response to Department of Justice preclearance review under the Voting Rights Act) was contained in three bills passed by the Legislature between March 9, 1992 and April 1, 1992 by veto-proof majorities in each house. They became Chapters 76, 77 and 78 of the Laws of 1992. Between 11 and 24 of the 55 Republicans in the Assembly voted for one or more of the bills. At least 33 of the 35 Republicans in the Senate voted for each of the bills. The trial evidence showed that changes were made in the Assembly plan in response to Republican requests for revisions.

The District Court found that the Assembly redistricting plan does not consistently degrade Republican voters' ability to influence New York's political process as a whole and that plaintiffs had failed to prove an unconstitutional partisan gerrymander.

The Assembly plan had a maximum population deviation between districts of only 9.43%. There were legitimate reasons for even these minor deviations. The trial evidence showed that the Assembly plan was drawn to maximize opportunities for minorities protected under the Voting Rights Act to elect candidates of their choice and that minor population deviations were tolerated in order to effectuate that purpose. The plan was also drawn to comply with the provisions of the State Constitution at Article III, § 5, which limit the division of towns and prohibit the division of city blocks in the formation of Assembly districts. The plan was drawn to minimize the splitting of counties so as to join parts of counties with parts of other counties.

The District Court found that plaintiffs' complaint that "cohesive communities" or "political subdivisions" were fragmented under the plan in support of no legitimate State purpose was properly dismissed because communities and subdivisions are accorded no federal protection from fragmentation in the formation of election districts. The District Court also found that the minor population deviations of less than ten percent are presumptively valid and that plaintiffs had failed to prove a violation of the Equal Protection Clause. The District Court did not evaluate the State's reasons for the minor population deviations in the State's plan.

ARGUMENT

I.

The District Court was correct in finding no violation of the one person, one vote principle where the maximum population deviation between State Assembly districts is less than ten percent and where such minor population deviations are justified in any event.

The Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned substantially on a population basis; however, "mathematical nicety" is not a constitutional requisite. *Reynolds v Sims*, 377 U.S. 533, 568-69 (1964). Although congressional representation must be based on population as nearly as is practicable regardless of political subdivision lines, it may be feasible to use such lines to a greater extent in establishing state legislative districts than in congressional districting while still affording adequate representation to all parts of the state. 377 U.S. at 577-78. That is certainly true for the New York Assembly where 150 seats far exceed the 31 congressional districts. Some deviations from strict population equality among state legislative districts may be justified by the consideration of insuring some voice to political subdivisions, as political subdivisions. 377 U.S. at 580. Thus, for nearly three decades this Court has recognized that legitimate considerations of state and local government, not just any supposed limitations on redistricting technology, may justify minor departures from strict population equality in state legislative districts.

A decennial census of all persons is inherently unable to count accurately the number of eligible voters or registered voters entitled to equal protection of their voting rights in a subsequent election. *Gaffney v Cummings*, 412 U.S. 735, 745-49 (1973). Accordingly, this Court has stated that: "minor deviations from mathematical equality among state legislative districts are insufficient to make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require justification by the State." 412 U.S. at 745. In 1983 this Court stated what its previous decisions had already established as a general matter, to wit: that an apportionment plan with a maximum population deviation under ten percent falls within the category of minor deviations insufficient to make out a prima facie case. *Brown v Thomson*, 462 U.S. 835, 842 (1983).

The Court which announced the ten percent prima facie rule in *Brown* was not unmindful of the technical advances allowing faster line drawing than had been possible in the 1970s. On the same day it decided *Brown*, the Court decided *Karcher v Daggett*, 462 U.S. 725 (1983), in which the existence of computerized line drawing was noted. 462 U.S. at 752, n. 10. However, the increasing speed with which plans may be drawn has little to do with the degree of population equality which is possible or required. Long before *Brown*, this Court required population deviations less than 10 percent in contexts other than legislative redistricting by a state. A court-ordered reapportionment plan of a state legislature must ordinarily achieve the goal of population equality with little more than *de minimus* variation. *Connor v Finch*, 431 U.S. 407, 414 (1977), citing *Chapman v Meier*, 420 U.S. 1, 26-27 (1975). Nearly mathematical precision is required for congressional redistricting. See

Wesberry v Sanders, 376 U.S. 1 (1964), and other cases cited at *Chapman v Meier*, 420 U.S. 1, at 27, n. 19.

It was not any technological limitation of line-drawing which inspired the ten percent rule. Instead, it was legitimate considerations of state policy recognized as early as 1964 by this Court in *Reynolds v Sims*, 377 U.S. 533 (1964). There is no substantial reason to re-examine the sound rule that a state redistricting plan with minor population deviations under ten percent is not sufficient to make out a prima facie case of unconstitutional inequality so as to require justification by the State.

In any event, the record provides ample justification for the State's minor population deviations in this case. Consideration of political subdivision lines and compliance with the Voting Rights Act are among the legitimate reasons for the minor variations in district populations. Patterns of voting age population distribution and registration of the sort discussed in *Gaffney v Cummings*, 412 U.S. 735, 745-49 (1973), were demonstrated here and justify the minor population deviations of New York's Assembly districts.

II.

The District Court was correct in finding no unconstitutional partisan gerrymander of the Democratic controlled Assembly where the Republican controlled Senate approved the redistricting plan for the Assembly.

In order to prove a claim of unconstitutional political gerrymandering, plaintiffs were required to prove both

intentional discrimination against an identifiable political group and a sufficiently adverse actual discriminatory effect on that group. *Davis v Bandemer*, 478 U.S. 109, 127 (1986). As long as redistricting is done by a legislature, it should not be very difficult to prove that the likely political consequences of the reapportionment were intended. 478 U.S. at 129. Therefore, as in *Davis*, plaintiffs' claim turns on the effect test stated there. Unconstitutional discrimination occurs only when "the electoral system is arranged in a manner that will consistently degrade a voter's or a group of voters' influence on the political process as a whole." 478 U.S. at 132.

There is no factual question, substantial or otherwise, about the influence of Republicans on the political process of New York as a whole. Republicans control a majority of the Senate, a house which must approve any state legislation. Indeed, the Republican Senate approved the redistricting plans for both the Senate and Assembly. Some Assembly Republicans voted for the final Assembly plan which had been revised to accommodate their expressed desire for changes. Republican voters are represented in the Assembly by both Democratic and Republican members. Republicans' failure to win any particular Assembly seat or to win a majority of Assembly seats, particularly in a state with more registered Democrats than Republicans, is no evidence of their lack of influence on state politics as a whole. Nor does it present any substantial question of unconstitutional discrimination against them.

Of course, since no elections under the 1992 districting plan had been held at the time of trial, plaintiffs presented no evidence of any actual election results under that plan in support of their claim of discrimination. Although they

speculated about projected Assembly election results, they made no effort to project future Senate election results. Thus, plaintiffs presented no substantial factual evidence that the State's redistricting plan for Senate and Assembly would consistently degrade Republicans' influence on the New York State Legislature or on the political process as a whole.

There is no substantial basis for plaintiffs' assertion that their claim of partisan gerrymandering implicates First Amendment protections so as to warrant strict scrutiny of the State's redistricting plan. Claimant's citations to patronage dismissal cases—*Elrod v Burns*, 427 U.S. 347 (1976); and *Rutan v Republican Party of Illinois*, 497 U.S. 62 (1990)—and to ballot access cases—*Williams v Rhodes*, 393 U.S. 23 (1968); and *Anderson v Celebrezze*, 460 U.S. 780 (1983)—are distinguishable. Here, the State's redistricting plan imposes on no Republican voter any burden so substantial as dismissal from employment. Nor does New York impose any discriminatory ballot access requirements on Republican candidates. Republicans remain free to speak and associate; they retain on non-discriminatory terms, full access to the ballot for all political offices, including for each Assembly seat. They are free to vote for candidates of their choice.

No court has applied First Amendment protections to a political gerrymandering case. The First Amendment guarantees the right to participate in the political process; it does not guarantee political success. *Badham v Eu*, 694 F. Supp. 664, 675 (N.D. Cal., 1988), cert. den., 488 U.S. 1024 (1989). This Court has noted that the threshold showing required in gerrymandering cases is peculiar to such cases and would not apply outside that context. *Davis v Bandemer*,

478 U.S. 109, at 134, n. 14. See also *Republican Party of Virginia v Wilder,* 774 F. Supp. 400, 405-407 (W.D. Va., 1991). This Court has recently stated that its cases do not hold that a law that imposes any burden upon the right to vote must be subject to strict scrutiny. *Burdick v Takuski,* ____ U.S. ____, 112 S. Ct. 2059, 2062-63 (1992). Where state law imposes no more than reasonable, non-discriminatory restrictions on the First and Fourteenth Amendment rights of voters, a state's important interests are generally sufficient to justify the restrictions, without strict scrutiny for a compelling state interest advanced by a narrowly drawn law. 112 S. Ct. at 2063-64.

Here, the State's interests in providing some voice to its political subdivisions by respecting their boundaries and in complying with the Voting Rights Act are important interests. Those interests did not produce a redistricting plan which as a whole unconstitutionally burdened Republicans' voting rights or rights of free speech and association. The proof of this is that numerous Republican legislators, including virtually all of those in the Republican Senate, supported the State's plan.

III.

The District Court was correct in finding no violation of the Equal Protection Clause where there are rational and legitimate State interests in redistricting the Assembly as the State chose to do.

Appellants concede that if there is any legitimate or rational state policy which justifies the fragmentation of "communities of interest" and "political subdivisions",

then their claim of unconstitutional fragmentation would fail. Jurisdictional Statement, at 26. They concede that where neither a suspect class nor a fundamental right is implicated, a court will review a classification with deference and with a heavy presumption of constitutionality. Jurisdictional Statement, at 27. Appellants do not argue that any particular neighborhood, city, town, geographical or interest community is entitled to be grouped together as a single election unit. Jurisdictional Statement, at 26.

The Equal Protection Clause allows New York considerable leeway to enact legislation that may appear to affect similarly situated people differently. Legislatures are usually presumed to have acted constitutionally. Classifications are set aside only if they are based solely on reasons totally unrelated to the pursuit of the State's legitimate goals and only if no grounds can be conceived to justify them. *Clemenis v Fashing*, 457 U.S. 957, 962-63 (1982).

There is no substantial basis to argue that no legitimate State purpose can be conceived to justify the fragmentation of some political subdivisions and communities of unspecified interest. Substantial population equality, and compliance with the Voting Rights Act are among the legitimate State interests which justify the fragmentation of any particular community. *Reynolds v Sims*, 377 U.S. 533 (1964); *Thornburg v Gingles*, 478 U.S. 30 (1986).

CONCLUSION

For the foregoing reasons, this Court should dismiss or affirm the appeal because the questions presented are so insubstantial as not to need further argument. The District Court correctly applied the law to the facts found on this case.

Dated: Albany, New York
October 30, 1992

Respectfully submitted,

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Supreme Court, U.S.
FILED
NOV 5 1992
OFFICE OF THE CLERK

No. 92-586

IN THE

Supreme Court of the United States

OCTOBER TERM, 1992

THE FUND FOR ACCURATE AND INFORMED REPRESENTATION, INC., (FAIR) *et al.*,

Appellants,

VS.

SAUL WEPRIN, *et al.*,

Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

MOTION TO AFFIRM AND/OR DISMISS

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QUESTIONS PRESENTED

1. Whether the three-judge court was correct to apply the settled law of this Court that, in state-enacted legislative redistricting, a population deviation of less than 10% does not establish a *prima facie* case of discrimination under the one person/one vote principle.

2. Whether the evidence before the three-judge court supports that court's finding that Appellants do not lack political power and are not shut out of the political process in New York State and therefore cannot succeed on a political gerrymander claim.

3. Whether the three-judge court was correct to apply the well-established rule that the constitutional protections in redistricting do not extend to communities of interest and political subdivisions.

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COUNTERSTATEMENT OF THE CASE

Two months before the legislative redistricting plan for the New York State Assembly was enacted into law, Appellants commenced this action seeking, *inter alia*, a declaration that the judiciary, rather than the legislature, draw new Assembly districts, and attacking as unconstitutional a then-extant inchoate legislative proposal for new Assembly districts. Appellees moved to dismiss that complaint for want of a case or controversy. On the return date of the motion, Appellants served an amended complaint raising the same claims of unconstitutionality, but directed at the by then state-enacted plan. The State plan as enacted differed significantly from the inchoate legislative proposal which Appellants had addressed in their original complaint.

In view of the amendment to the complaint, the single district judge sitting at the time permitted Appellees to supplement their original motion to dismiss to address substantive claims as well. At its heart, the amended complaint sought to upset the State-enacted lines on four grounds: (1) one person/one vote; (2) political gerrymander; (3) the Voting Rights Act, 42 U.S.C. § 1973 (1988); and (4) unconstitutional fragmentation of communities. By Order dated May 20, 1992, the single district judge decided the motion to dismiss (Appendix G). He let stand the claims under one person/one vote and the Voting Rights Act but dismissed the political gerrymandering and community fragmentation claims.

The very next day, Appellants filed a second amended complaint. A three-judge court which previously had been convened reviewed the Order of the single district court judge with respect to Appellees' motion to dismiss. By Memorandum and Order dated May 28, 1992 (Appendix E), the three-judge panel upheld the decision of the single district judge as to the one person/one vote and community fragmentation claims, restored the political gerrymandering claim in view of the intervening second amended complaint, but reversed the determination as to the Voting Rights Act claim, which it dismissed with leave to replead. In that same

Memorandum and Order, the three-judge court set a schedule for trial. A third amended complaint followed on June 1, 1992.

In connection with setting the trial schedule, Appellees urged that the trial be deferred until after elections, but Appellants asserted that an actual election would not be necessary as reliance on statistical projections alone would be sufficient to prove their claims. The three-judge court endorsed Appellants' position and set a trial date of June 24, 1992. Pre-trial discovery was had and thereafter the trial was conducted on June 24 and 25, 1992.[1]

Nine witnesses testified for Appellants and nine witnesses testified for Appellees. One hundred seventeen exhibits were introduced into evidence by Appellants, thirty-nine exhibits were introduced into evidence by Appellees and six joint exhibits were received into evidence.[2]

After comprehensive pre-trial and trial review of Appellants' four complaints, and based upon the extensive evidence adduced at trial, the three-judge court concluded that Appellants' case was without merit and entered judgment dismissing Appellants' claims with prejudice (Appendix A). This appeal followed.

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[1] At the court's suggestion, and with the consent of all counsel, the proceeding was converted to a summary trial.

[2] Contrary to Appellants' Statement Of The Case, Appellees' witnesses sharply refuted Appellants' claim that its counterplan "was more compact, provided additional representation for racial and ethnic minorities, and was bereft of any partisan gerrymandering techniques." (App. Brief, p. 5)

APPELLEES' BRIEF IN SUPPORT OF MOTION TO AFFIRM AND/OR DISMISS

Appellees, Saul Weprin, both individually and as Speaker of the Assembly of the State of New York, David Gantt, both individually and as Co-Chairman of the Legislative Task Force on Demographic Research and Reapportionment ("Task Force"), the Assembly Democratic Members of the Task Force and the Assembly of the State of New York respectfully submit this motion to affirm and/or dismiss.

This case presents no issue requiring Supreme Court review. The decision of the three-judge court, rendered after a trial on the merits, followed, and is consistent with, this Court's precedents in all respects.

The three-judge court applied unambiguous precedent of this Court to hold that an under 10% population deviation in a state-enacted legislative redistricting plan does not violate the one person/one vote rule. The three-judge court also applied the plain instruction of *Davis v. Bandemer*, 478 U.S. 109 (1986) to proof that Appellants are not shut out of the New York State political process and hence concluded that Appellants cannot succeed in a political vote dilution claim. The decision of the three-judge court is consistent also with this Court's teaching that a heightened showing by the challenger is required in political vote dilution cases. And the dismissal of the community fragmentation claim does not depart from established precedent of this Court.[3]

The decision of the three-judge court is not in conflict with any decision of another three-judge court or any Circuit Court of Appeals on the same matter. Nor did the three-judge court decide a federal question in a way that conflicts with a state court of last resort. Nor does this case involve an important or substantial question of federal law which should be settled by this Court. The decision of the three-

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[3] Appellants do not appeal from the three-judge court's dismissal of the Voting Rights Act claim.

judge court rests on findings of fact and this Court's judicial resources should not be exercised to review factual findings. *See New York Dock Co. v. S.S. Poznan,* 274 U.S. 117 (1927); *Boehmer v. Penn. R.R. Co.*, 252 U.S. 496 (1920).

I.

THE THREE-JUDGE COURT CORRECTLY HELD THAT A POPULATION DEVIATION OF LESS THAN 10% DOES NOT ESTABLISH A *PRIMA FACIE* CASE OF DISCRIMINATION UNDER THE ONE PERSON/ONE VOTE PRINCIPLE.

The Constitution does not demand exact numerical equality among districts in state-enacted legislative redistricting plans. *Reynolds v. Sims*, 377 U.S. 533 (1964). Where state-enacted legislative redistricting is involved, uniform precedent of this Court establishes a permissible population deviation of up to 10%.

There is no dispute that the maximum deviation between any two districts in the State's plan is 9.43%, with the largest positive deviation of +5.33% occurring in Richmond County and the largest negative deviation of –4.10% occurring in Kings County.[4] Because the maximum deviation is under 10%, no claim for violation of the one person/one vote principle can be stated.

This Court flatly stated the rule in *Brown v. Thomson*, 462 U.S. 835 (1983):

> [W]e have held that "*minor deviations* from mathematical equality among state legislative districts *are insufficient to make out a prima facie case of invidious discrimination* under the Fourteenth Amendment *so as to require justification by the State*." [*Gaffney v. Cummings*, 412 U.S.] at 745, 93 S.Ct., at 2327. Our decisions have established, as

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[4] It is also undisputed that the average deviation from perfect equality for all the plan's districts is only 2.14% and that the median deviation for all the plan's districts is 0.2%.

> a general matter, that *an apportionment plan with a maximum population deviation under 10% falls within this category of minor deviations*. See, *e.g.*, *Connor v. Finch*, 431 U.S. 407, 418, 97 S.Ct. 1828, 1835, 52 L.Ed.2d 465 (1977); *White v. Regester*, 412 U.S. 755, 764, 93 S.Ct. 2332, 2338, 37 L.Ed.2d 314 (1973).

Id. at 842-843 (emphasis added).

The principle is clear: Deviations under 10% are minor, do not make out a *prima facie* case, and need not be justified by the State. As it is below 10%, the 9.43% deviation in the State plan is "minor" as a matter of law and "insufficient to make out a prima facie case" of violation of the one person/one vote mandate.

Even before *Brown*, this Court held in *Gaffney v. Cummings*, 412 U.S. 735 (1973), that overall and average deviations strikingly close to those in the State's plan here did not make out a *prima facie* case of invidious discrimination under the Fourteenth Amendment. As this Court stated in *Gaffney*:

> [T]he proof at trial demonstrated that the House districts under the State Apportionment Board's plan varied in population from one another by a *maximum* of only about 8% and that the average deviation from the ideal House district was only about 2%. . . . On such a showing, we are quite sure that a prima facie case of invidious discrimination under the Fourteenth Amendment was not made-out.

Id. at 751 (emphasis in original). *See also White v. Regester*, 412 U.S. 755, 763 (1973) ("Insofar as the District Court's judgment rested on the conclusion that the population differential of 9.9 percent from the ideal district . . . made out a prima facie equal protection violation under the Fourteenth Amendment, absent special justification, the court was in error."); *Connor v. Finch*, 431 U.S. 407, 418 (1977) ("The maximum population deviations . . . in the . . . districts

can hardly be characterized as *de minimis*; they substantially exceed the 'under-10%' deviations the Court has previously considered to be of prima facie constitutional validity only in the context of legislatively enacted apportionments.")[5]

Moreover, although justification by the State is not required, the record amply demonstrates that the population deviations in the State plan "may reasonably be said to advance [a] rational state policy", *Mahan v. Howell*, 410 U.S. 315, 328 (1973), and hence meet the standard for justification. This Court has identified a number of legitimate state legislative policies which suffice to justify deviation from the equal population standard.

> Any number of consistently applied legislative policies might justify some variance, including, for instance, making districts compact, *respecting municipal boundaries*, preserving the cores of prior

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[5] Appellants' own authorities confirm the principle. Contrary to Appellants' contention, in *Farnum v. Burns*, 561 F. Supp. 83 (D.R.I. 1983) (three-judge court) the court held "when such a [state redistricting] plan has a total deviation of less than ten percent, it does not violate the one-person, one-vote principle merely because a population window was used in developing that plan." *Id.* at 93.

Similarly, *White v. Crowell*, 434 F. Supp. 1119 (W.D. Tenn. 1977) (three-judge court) turned on the fact that the legislature adopted, and later amended, what had been a court drawn plan as to which strict mathematical equality is required. *Connor v. Finch*, *supra* at 417. The *Crowell* court observed:

> This court concludes that the relatively small deviations resulting from this 1976 partial reapportionment at issue here would pass constitutional muster if they had been a result of the general reapportionment enacted by the Tennessee legislature in 1973 following the ruling by the three-judge court.... Certainly such deviations would have been within the tolerances indicated by the foregoing decisions [of *White v. Regester*, *Chapman v. Meier*, 420 U.S. 1 (1975) and *Connor v. Finch*].

Id. at 1123.

districts, and avoiding contests between incumbent Representatives.

Karcher v. Daggett, 462 U.S. 725, 740 (1983) (emphasis added).[6]

The evidence established that the negative deviation of –4.10% in Kings County is a direct consequence of the creation of an additional minority district in that county in compliance with the Voting Rights Act as well as the desire to "respect municipal boundaries" by keeping all Kings County Assembly Districts wholly within the boundaries of Kings County. The evidence also established that the positive deviation of +5.33% in Richmond County resulted from a legislative policy choice to keep the County of Richmond whole, and not break its county boundary line in the creation of Assembly Districts.[7]

Because the deviation was justified by judicially recognized legitimate State policies, the record fully supports a finding that the State plan does not violate the one person/one vote strictures of the Fourteenth Amendment by reason of population deviations, even were justification required.

In sum, the three-judge court did not misconstrue this Court's one person/one vote mandate. Appellants' proposition is wrong. In state-enacted legislative redistricting, the one person/one vote rule does not command absolute arithmetic equality. It does not, as Appellants claim, demand that

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[6] It is noteworthy that these objectives were identified as prevailing in the context of *Congressional* redistricting where virtual mathematical equality among districts is required. *Karcher*, *supra*.

[7] The reasons underlying the State's choice not to splinter Richmond County (Staten Island) are uncontroverted: Richmond County is an island, with a unique culture, whose citizenry has called for secession from the City of New York in the wake of this Court's decision in *Board of Estimate v. Morris*, 489 U.S. 688 (1989).

"every deviation from population equality must advance a rational state interest, be consistently applied and be free of taint from discrimination" (App. Brief at p. 7). Appellants' contention falls under the weight of this Court's clear precedent which allow a leeway of up to 10% among state-enacted legislative districts.[8]

II.

THE DECISION BELOW REFLECTS A STRAIGHT-FORWARD APPLICATION OF *DAVIS V. BANDEMER* TO UNCONTROVERTED PROOF OF PERVASIVE REPUBLICAN INFLUENCE IN NEW YORK STATE'S POLITICAL PROCESS AS A WHOLE.

The three-judge court held that Appellants' claim of political vote dilution failed because Appellants could not demonstrate that they suffer consistent degradation or lack of influence in New York State's political process. The trial court correctly focused its inquiry on whether Appellants, New York State Republicans, lack political power and are shut out of the New York political process. The record amply supports the trial court's conclusion that Appellants' "evidence, even when considered in its most persuasive light, falls short of proving that the Assembly apportionment plan deprives Republicans of an opportunity to 'influence [New York State's] political process as a whole.'" (Appendix at pp. 14a-15a; citation omitted).

In the seminal case of *Davis v. Bandemer*, 478 U.S. 109 (1986) this Court articulated the essential prerequisite to a successful challenge of political vote dilution:

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[8] Appellants' argument that one person/one vote is violated because a plan could be created with a lesser deviation rests on a discredited premise. To pass legal muster, an apportionment plan need not be the best plan possible; it need only be constitutional. *Sincock v. Roman*, 233 F. Supp. 615, 619 (D. Del. 1964).

> [U]nconstitutional discrimination occurs only when the electoral system is arranged in a manner that will consistently degrade a voter's or a group of voters' influence on the political process as a whole.

Id. at 132.

The common thread running through vote dilution claims, racial and political, is the critical showing that the challenger "had essentially been shut out of the political process." *Id.* at 139. This is made abundantly clear in the *Bandemer* decision itself:

> In the individual multimember district cases, we have found *equal protection violations only where* a history of disproportionate results appeared in conjunction with *strong indicia of lack of political power and the denial of fair representation.* See *supra*, at 2809. In those cases, the racial *minorities asserting the successful equal protection claims had essentially been shut out of the political process.* In the statewide political gerrymandering context, these prior cases lead to the analogous conclusion that equal protection violations may be found only where a history (actual or projected) of disproportionate results appears in conjunction with similar indicia.

Id.

* * *

> [A] group's electoral power is not unconstitutionally diminished by the simple fact of an apportionment scheme that makes winning elections more difficult, and a failure of proportional representation alone does not constitute impermissible discrimination under the Equal Protection Clause. See *Mobile v. Bolden*, 446 U.S. at 111, n.7, 100 S.Ct., at 1523, n.7 (Marshall, J., dissenting).

Id. at 132.

Footnote 7 to Justice Marshall's dissent in *Mobile v. Bolden*, 446 U.S. 55 (1980), to which this Court in *Bandemer* directs attention, sounds the *Bandemer* theme that the *sine qua non* to a political gerrymandering cause of action is the existence of significant discrimination against the plaintiff group throughout the political system. Footnote 7 to Justice Marshall's dissent in *Mobile* states:

> When all that is proved is mere lack of success at the polls, the Court will not presume that members of a political minority have suffered an impermissible dilution of political power. Rather, it is assumed that these *persons have means available to them through which they can have some effect on governmental decisionmaking. For example, many of these persons might belong to a variety of other political, social, and economic groups that have some impact on officials.* In the absence of evidence to the contrary, it may be assumed that officials will not be improperly influenced by such factors as the race or place of residence of persons seeking governmental action. Furthermore, political factions out of office often serve as watchdogs on the performance of the government, bind together into coalitions having enhanced influence, and have the respectability necessary to affect public policy.
>
> *Unconstitutional vote dilution occurs only when a discrete political minority whose voting strength is diminished by a districting scheme proves that historical and social factors render it largely incapable of effectively utilizing alternative avenues of influencing public policy* . . . . In these circumstances, the only means of breaking down the barriers encasing the political arena is to structure the electoral districting so that the minority has a fair opportunity to elect candidates of its choice.
>
> The test for unconstitutional vote dilution, then, looks only to the discriminatory effects of the

> *combination of an electoral structure and historical and social factors.* At the same time, it requires electoral minorities to prove far more than mere lack of success at the polls.

Id. at 111-112 n.7 (emphasis added; citations omitted).

Appellants offered no proof that historical and social factors render Republicans incapable of affecting governmental decisionmaking. In point of fact, the evidence demonstrated the reverse: that far from lacking political power (as did racial minorities) Appellant Republicans exert substantial influence in the political process and suffer no discrimination or disadvantage in the political process as a whole. Republicans in New York have not suffered either the history or present-day reality of discrimination that burdens racial minorities when it comes to participating in the political process on an equal basis with whites. Unlike membership in a racial group, individuals voluntarily choose to affiliate with a political party. By persuasion, organizational efforts, and success in high visibility campaigns, a political party can expand its ranks over time. Unlike racial minorities, the Republican party has not experienced a history of discrimination that has depressed its socioeconomic standing. A group's socioeconomic position is obviously related to its ability to command the political resources needed to compete in the political arena and to impact officials. In contrast to minority racial groups, Republicans, in fact, tend to be more affluent and better educated than their Democratic rivals.

Further, the record is uncontroverted that:

1. Republicans can freely slate and nominate candidates for public office (***Bandemer***, *supra*, at 133).

2. Republicans can freely register to vote (*id.*).

3. Republicans can freely vote (*id.*).

4. Republicans freely organize, fundraise and campaign (*see*, ***Badham v. March Fong Eu***, 694 F. Supp. 664, 670 [N.D. Cal. 1988] [three-judge court], *aff'd*, 488 U.S. 1024 [1989]).

5. Republicans are free to speak out on issues of public concern (*Badham*, *supra*, at 670).

6. In the State of New York, Republicans hold major elective political offices, including United States Senator, the State Comptroller, 35 out of 61 State Senate seats (a majority), and 55 out of 150 Assembly seats (a minority of more than 36%). Indeed, the Presidency of the United States is held by a Republican and has been for the last 15 years.[9]

7. Republicans are elected and/or appointed to courts, commissions and other government jobs and offices.

8. Republicans receive public services as much or more than other political elements in the society.

9. Republicans are not disadvantaged socially, educationally or economically.

Moreover, apart from the evidence in the record, this Court has instructed in *Bandemer* that Republican influence in the process is presumed. Republican voters whose candidates lose, nevertheless are presumed to have the power to influence the political process representatively through the winning candidate whom such voters are deemed "to have as much opportunity to influence . . . as other voters in the district." *Bandemer*, *supra*, at 132. Only had Appellants proved, which they did not, "that the candidate[s] elected will *entirely ignore* the interests" of Republicans voting for the losing candidate (*Bandemer*, *supra*, at 132; emphasis added)

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[9] A Republican Administration has thus been in charge of running the country for the past 15 years, with all that portends with respect to the establishing of policies and programs that affect the running of State governments, including the State of New York.

would the presumption of Republican influence have been vitiated.[10]

What is more, in the instant case, the record established pervasive Republican influence in the redistricting process itself. The record established:

1. As an initial matter, the districts were formulated and proposed to the Legislature by a bi-partisan Task Force, half of whose members were Republican.

2. At the request of Republican party officials, Republican members of the Task Force, and Republican Assembly members, and in response to testimony by individ-

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[10] *Bandemer* states the proposition as follows:

> [T]he power to influence the political process is not limited to winning elections. An individual or a group of individuals who votes for a losing candidate is usually deemed to be adequately represented by the winning candidate and to have as much opportunity to influence that candidate as other voters in the district. We cannot presume in such a situation, without actual proof to the contrary, that the candidate elected will entirely ignore the interests of those voters. This is true even in a safe district where the losing group loses election after election.

Bandemer, *supra*, at 132.

Further, even had Appellants shown Democratic Assemblymen to be unresponsive to their Republican constituents, which they did not, Republicans nonetheless are not shut out of the process as there are other Assemblymen who are Republican. The partisan interests of Republican voters whose candidates lose are, in any event, represented in the Assembly by the Republican Assemblymen from other districts. *See United Jewish Orgs., Inc. v. Carey*, 430 U.S. 144, 166 n.24 (1977) ("[t]he effect of the reapportionment on whites in districts where nonwhite majorities have been increased is thus mitigated by the preservation of white majority districts in the rest of the county."). *See also Whitcomb v. Chavis*, 403 U.S. 124, 153 (1971) ("[W]e have not yet deemed it a denial of equal protection to deny legislative seats to losing candidates, even in those so-called 'safe' districts where the same party wins year after year.").

ual Republicans and Republican groups, the Task Force modified its proposal to accommodate specific Republican concerns and interests.

3. Senate Republicans, including the Senate Republican Majority Leader himself, and the Republican Co-chairman of the Task Force, were involved in, and directly influenced, the development of the new Assembly districts.

4. The Task Force proposal was enacted into law when it passed both the Republican-controlled State Senate and the Democratic-controlled Assembly.

5. In the final legislative vote with respect to the plan, 58 out of 89 Republican legislators voting, voted in favor.

Thus, the record established that neither the political process as a whole nor the redistricting process in particular are controlled by one party (as it was in *Bandemer*) but that both are a bi-partisan effort. For this reason alone, the court below soundly concluded that Appellants could not meet their burden of proving that Republicans lack political power, and thus failed to sustain their challenge of political vote dilution under *Bandemer*. As the three-judge court held:

> The fatal flaw in plaintiffs' case is the simple fact that the New York State Senate is an integral component of the state's legislature, and that Republicans hold a majority of the Senate seats. It may not sensibly be denied that a political party controlling the Senate is able to influence legislation. After all, no legislation becomes law without the approval of the Senate. Thus, a party that plays an active role in the Senate therefore plays an active role in the state political process. These undeniable facts are critical when a political party claiming to be gerrymandered out of the state's political process must show that it has been shut-out of the process "as a whole." *Bandemer*, 478 U.S. at 132.

(Appendix at p. 15a).

Like the opinion below, the leading post-*Bandemer* case of *Badham v. March Fong Eu*, *supra*, rejecting a claim of political vote dilution, turned precisely on the Republican challengers' inability to show systemwide discrimination in the political process.[11] *Badham* dismissed on the pleading (as amended), without leave to further replead, a political gerrymandering claim by the Republican party because the facts demonstrated that "California Republicans represent so potent a political force that it is unnecessary for the judiciary to intervene, as [it] would be constrained to do to protect the trampled rights of a disadvantaged political or racial minority." *Badham*, *supra*, 694 F. Supp. at 672.[12]

What was said in *Badham* about the California Republicans, equally true about the New York Republicans, "convinced [the *Badham* court] that there is no credible way in which plaintiffs [can] . . . state a claim under *Davis v. Bandemer*." *Badham*, *supra* at 673.

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[11] This court's affirmance of *Badham* constitutes a disposition on the merits precedentially binding with respect to the facts and precise issues affirmed there. *Mandel v. Bradley*, 432 U.S. 173, 176 (1977); *Hicks v. Miranda*, 422 U.S. 332, 344-45 (1975).

[12] As the *Badham* court noted:

> Chief among our observations is our undisputed knowledge that California Republicans still hold 40% of the congressional seats, a sizeable bloc that is far more than mere token representation. It simply would be ludicrous for plaintiffs to allege that their interests are being "entirely ignore[d]" in Congress when they have such a large contingent of representatives who share those interests. We also note that California has a Republican governor, and one of its two senators is a Republican. Given also that a recent former Republican governor of California has for seven years been President of the United States, we see the fulcrum of political power to be such as to belie any attempt of plaintiffs to claim that they are bereft of the ability to exercise potent power in "the political process as a whole" because of the paralysis of an unfair gerrymander.

Id.

> A quick comparison with the facts of the racial gerrymandering cases on which *Bandemer* was based demonstrates the distance of the Republicans from alleging a claim. For example, in *Rogers v. Lodge*, 458 U.S. 613, 102 S.Ct. 3272, 73 L.Ed.2d 1012 (1982), Blacks constituted 38% of the voters in Burke County Georgia, but had never won a single seat. In *Mobile v. Bolden*, 446 U.S. 55, 100 S.Ct. 1490, 64 L.Ed.2d 47 (1980), Blacks constituted "about one-third of the electorate" but had never won a single seat. In cases under the Voting Rights Act, the Court has emphasized that "minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process." *Thornburg v. Gingles*, 478 U.S. 30, 45, 106 S.Ct. 2752, 2764, 92 L.Ed.2d 25 (1986). Republicans in California cannot claim to have been treated as political pariahs; they have been a formidable, and sometimes dominant, force. On this point, we agree with the defendants that "even the bounds of normal political exaggeration are exceeded when the Republicans of California attempt to suggest that their political role can even be spoken of in the same breath as that of the Blacks of Burke County, Georgia and Mobile, Alabama."

Id. at 673.

Bandemer and *Badham* firmly establish that without a history or present day reality of discrimination against New York Republicans with respect to participating in the political process, such as that which burdens racial minorities, there can be no finding of political gerrymander. What Appellants seek to do here is to equate the status of the Republicans in New York with that of disadvantaged racial minorities so as to entitle Republicans to the same special electoral remediation that the law demands for minorities under the Voting Rights Act. On the facts here, neither any statute, nor any case law, nor the Constitution, requires that districts be

affirmatively drawn to enable Republicans to elect candidates of their choice as is true with respect to racial minorities. *Compare Davis v. Bandemer*, *supra*, with *Thornburg v. Gingles*, 478 U.S. 30 (1986), issued on the same day.[13]

At bottom, Appellants' grievance cannot be over Republican influence in the process. Appellants real complaint is about the manner in which Republican elected legislators represented their fellow Republicans in the redistricting process. Such a political division within Republican ranks may be redressable at the polls, but is not justiciable in the courts.

Lack of influence on the political process is but one part of a two-pronged effects test that Appellants were required to meet under *Bandemer*. ("[W]e have found equal protection violations only where a history of disproportionate results appeared in conjunction with strong indicia of lack of political power and the denial of fair representation." *Bandemer*, *supra* at 139.) While the trial court found dispositive Appellants' inability to demonstrate lack of political power, the record also established that Appellants were unable to meet the other prong of the *Bandemer* effects

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[13] Because racial minorities historically have been shut out of the process while political minorities may not have been, racial and political vote dilution claims and rights are not entirely identical. (*I.e.* in contradistinction to political vote dilution claims, there is no intent requirement in racial vote dilution claims.) Hence, Appellants' attempt to buttress their political vote dilution argument with references to Mayor Dinkins and the rights of Afro-American voters (App. Brief, p. 14) is fundamentally flawed and disregards the differing jurisprudence governing the two classes of rights.

test, namely a "history (actual or projected) of disproportionate [election] results." *Id.*[14]

While proportionality is not affirmatively required in order to pass constitutional muster, (*Bandemer* at 130-133, 139) no claim for political gerrymandering can survive in the absence of a showing of disproportionality. *Bandemer* demands, as a threshold matter, a "history (actual or projected) of disproportionate results." *Id.* at 139.

Appellees' expert witnesses, Dr. Allan Lichtman[15]

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[14] The elements of a political vote dilution claim are proof of "both intentional discrimination against an identifiable political group and an actual discriminatory effect on that group." *Bandemer*, *supra* at 127.

Because this Court recognized, "[a]s long as redistricting is done by a legislature, it should not be very difficult to prove that the likely political consequences of the reapportionment were intended," (*id.* at 129) and in order to shorten the trial, Appellees stipulated to the intent prong of the *Bandemer* test *for the purpose of the political gerrymandering claim only*. The Stipulation of June 22, 1992 reads, in pertinent part, as follows: "The Assembly Defendants agree to admit to the intent prong of the *Davis v. Bandemer* test and stipulate that the plaintiffs need not prove intent in order to prevail on their political gerrymandering claim."

This admission was not intended to apply to, and does not extend to, Appellants' other legal theories, as Appellants would have this Court believe. *See* App. Brief, Point D, p. 10.

[15] Professor of History, American University. Dr. Lichtman's scholarly publications include: *Ecological Inference* (with Laura Irwin Langbein, Sage Series in Quantitative Applications in the Social Sciences, 1978); "Executive Enforcement of Voting Rights, 1957-60," in Terrence Goggin and John Seidel, eds., *Politics American Style* (1971); "Discriminatory Election Systems and the Political Cohesion Doctrine," *National Law Journal* (with Gerald Herbert, Oct. 5, 1987); "Regression vs. Homogeneous Units: A Specification Analysis," *Social Science History* (Winter 1978). Dr. Lichtman also has served as an expert witness on quantitative analysis, political systems, and

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and Dr. Richard Niemi,[16] two renowned scholars in the redistricting field, using sophisticated statistical techniques, found an insignificant disparity between the percentage of

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[15](...continued)
political history for the United States Department of Justice and in voting rights cases throughout the United States including, Mississippi, Florida, South Carolina, Illinois, North Carolina, Virginia, Maryland, Texas and Connecticut.

[16] Professor of Political Science and Former Chairman of the Department of Political Science, University of Rochester. Dr. Niemi is an Editorial Board member of the Journal of Theoretical Politics and of the Legislative Studies Quarterly. Among his numerous scholarly publications are the following: *Classics in Voting Behavior*, (editor and contributor with Herbert F. Weisberg), Washington, D.C., CQ Press, forthcoming, 1992; "The Persistence of Partisan Redistricting Effects in Congressional Elections in the 1970s and 1980s" (with Laura Winsky), *Journal of Politics*, 1992, 54:565-572; "The Nature and Measure of Partisanship" (with David Reed and Herbert F .Weisberg), *Political Behavior*, 1991, 13:213-221; "Bias and Responsiveness in State Legislative Districting" (with Simon Jackman), *Legislative Studies Quarterly*, 1991, 16:183-202; "Partisanship and Group Support, 1952-1988" (with Harold W. Stanley), *American Politics Quarterly*, 1991, 19:189-210; "Measuring Compactness and the Role of a Compactness Standard in a Test for Partisan and Racial Gerrymandering" (with Bernard Grofman, Carl Carlucci, and Thomas Hofeller), *Journal of Politics*, 1990, 52:1155-1181; "The Swing Ratio as a Measure of Partisan Gerrymandering," in Bernard Grofman, ed., *Toward Fair and Effective Representation*, New York: Agathon, 1990; "Majority-Win Percentages: An Approach to the Votes-Seats Relationship in Light of *Davis v. Bandemer*" (with Stephen G. Wright) in Bernard Grofman, ed., *Toward Fair and Effective Representation*, New York: Agathon, 1990; "Partisanship and Group Support over Time: A Multivariate Analysis" (with Harold W. Stanley and William T. Bianco), *American Political Science Review*, 1986, 80:969-976. Expanded version in L. Sandy Maisel, ed., *Encyclopedia of American Political Parties and Elections*, New York: Garland, 1991; "The Effects of Districting on Trade-Offs Among Party Competition, Electoral Responsiveness and The Seats-Votes Relationship," in Bernard Grofman, et al., *Representation and Redistricting Issues*, Lexington, MA: Lexington Books, 1982.

Republican votes cast and the percentage of seats won and that there was no consistent evidence of Democratic bias in the State plan. Dr. Niemi further found, based on a seats-to-votes analysis, that the newly created lines are less favorable to Democrats than the 1982 district lines. Moreover, Dr. Lichtman specifically addressed, and discredited, the analytical underpinnings of Appellants' expert Dr. Gary King.

Important in this regard is the political science truism that in non-proportional representation systems (*e.g.* single member winner-take-all districts), a party winning a majority of the votes almost always wins a larger proportion of the seats. This Court recognized the premise in *Bandemer*:

> The typical election for legislative seats in the United States is conducted in described geographical districts, with the candidate receiving the most votes in each district winning the seat allocated to that district. If all or most of the districts are competitive -- defined by the District Court in this case as districts in which the anticipated split in the party vote is within the range of 45% to 55% -- even a narrow state-wide preference for either party would produce an overwhelming majority for the winning party in the state legislature. This consequence, however, is inherent in winner-take-all, district-based elections, and we cannot hold that such a reapportionment law would violate the Equal Protection Clause because the voters in the losing party do not have representation in the legislature in proportion to the statewide vote received by their party candidates.

Id. at 130.

* * *

> District-based elections hardly ever produce a perfect fit between votes and representation.

Id. at 133.

In short, Appellants did not meet their burden of proving disproportionality, as they were required to do. Hence, they also fail the first prong of the *Bandemer* effects test.[17]

III.

APPELLANTS HAVE NO INDEPENDENT VOTE DILUTION CLAIM UNDER THE FIRST AMENDMENT.

Because Appellants' political vote dilution claim cannot pass muster under the Fourteenth Amendment *Davis v. Bandemer* standard under which it must be tested, Appellants attempt to recast their challenge as a First Amendment freedom of association case to be governed by the First Amendment's "strict scrutiny" standard. However, an independent political vote dilution claim under the First Amendment does not lie.

The identical First Amendment claim, relying on the identical ballot access cases of *Anderson v. Celebrezze*, 460

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[17] Appellants argue at length that this case is factually different from *Bandemer* (App. Brief, pp. 16-17). Appellees agree. The findings in *Bandemer* were far more egregious than Appellants assert here. (*E.g.*, the districting process was completely under the control of Republicans; there were no public hearings on the proposed plans; the majority party informed Democratic legislators that minority party input in the redistricting would not be given any weight. *See generally Bandemer v. Davis*, 603 F. Supp. 1479, 1483-1484 [S.D. Ind. 1984], *rev'd*, 478 U.S. 109 [1986].) Nonetheless, this Court rejected the district court's view that judicial intervention was warranted under the *Bandemer* facts. 478 U.S. at 133-134. The undisputable facts in this case are contrary to virtually all of the *Bandemer* district court findings. Since this Court held the *Bandemer* findings insufficient as a matter of law, *a fortiori*, the facts of this case do not permit a finding of political gerrymandering.

U.S. 780 (1983), and *William v. Rhodes*, 393 U.S. 23 (1968)[18] was made and rejected in *Badham*, *supra*. The *Badham* court found that those cases did not support the Republicans' claim that their First Amendment right of association was violated because the Republicans were not prevented from fielding candidates or from voting for the candidate of their choice. 694 F. Supp. at 675. The same is true in the instant case. The Republicans are free to field any candidate they wish, and Republican voters can vote for the candidate of their choice.

In addition, the ballot access cases did not arise in the context of redistricting. This Court has cautioned that standards are different in the context of a redistricting. *See, e.g., Bandemer, supra* at 134 n.14 ("The requirement of a threshold showing is derived from the peculiar characteristics of these political gerrymandering claims. We do not contemplate that a similar requirement would apply to our Equal Protection cases outside of this particular context.") *Accord Republican Party of Virginia v. Wilder*, 774 F. Supp. 400 (W.D. Va. 1991).

Appellants have it upside down. Political vote dilution claims must be tested against the "heightened showing" standard imposed on Appellant challengers under *Bandemer*, not a strict scrutiny burden imposed on the State. This Court's recent pronouncement, rejecting First and Fourteenth Amendment challenges to Hawaii's prohibition on write-in voting, further demonstrates that Appellants' claim is not governed by a First Amendment strict scrutiny standard:

> Petitioner proceeds from the erroneous assumption that a law that imposes any burden upon the right

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[18] *Anderson v. Celebrezze*, *supra* and *William v. Rhodes*, *supra*, struck election rules that burdened independent and third party candidates in obtaining a place on the ballot.

> .to vote must be subject to strict scrutiny. Our cases do not so hold.

Burdick v. Takushi, ___ U.S. ___, 112 S. Ct. 2059, 2062-2063 (1992).

Finally, this Court's patronage employment cases do not extend the First Amendment freedom of association protections to positions held by individual legislators in the political arena. Rather, this Court's three decisions in the area -- *Elrod v. Burns*, 427 U.S. 347 (1976), *Branti v. Finkel*, 445 U.S. 507 (1980), and *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990) -- make clear that the First Amendment protections afforded by these political patronage cases apply only to nonpolicy-making governmental employees, not to quintessential policy makers such as legislators. *Elrod, supra* at 367-368; *Branti, supra* at 518; *Rutan, supra* at 2735 n. 5.

Accordingly, Appellants have no independent viable First Amendment claim and the strict scrutiny test is inapplicable to this case. At its heart, Appellants' First Amendment claim is a vote dilution claim resonating *Bandemer* Fourteenth Amendment themes. As Appellants' purported First Amendment argument states:

> When voters are identified on the basis of party affiliation and are relegated to a district specifically *designed to eliminate their ability to affect the outcome of an election*, the denial is not one of the "most effective" speech, but an elimination of the constitutional *right to participate in the electoral process*.

(App. Brief at p. 22; emphasis added). Having failed *Bandemer*, Appellants' claim cannot be resurrected in a different disguise.

IV.

THE STATE PLAN DOES NOT UNREASONABLY SEPARATE COMMUNITIES OF INTEREST, WHICH, IN ANY EVENT, ARE NOT CONSTITUTIONALLY PROTECTED.

Appellants concede that they do not appeal the ruling below that under *United Jewish Organizations, Inc. v. Carey*, 430 U.S. 144 (1977) and *Mirrione v. Anderson*, 717 F.2d 743 (2d Cir. 1983), *cert. denied*, 465 U.S. 1036 (1984) cultural communities or political subdivisions such as towns or unincorporated communities are not entitled to protection from being divided or made part of other districts (Appendix, p. 70a). As Appellants acknowledge, "Appellants do not argue that any particular neighborhood, city, town, geographic, or interest community is entitled to be grouped together as a single election unit." (App. Brief, p. 26).

Nonetheless they argue to this Court "that the individual right of voters and citizens in these communities are debased by their needless fragmentation and division between Assembly districts." (App. Brief, p. 26).

The individual rights of voters and citizens in the communities are one and the same as rights of communities. Communities as such do not vote. Voting is an act of the citizens in the community. Since Appellants' argument rests on the rights of "voters and citizens in . . . communities," this claim of Appellants' is a distinction without a difference and cannot survive in the face of *United Jewish Organizations, Inc. v. Carey*, *supra* and *Mirrione*, *supra*.

Building on their faulty premise, Appellants go on to assert that a rational relationship test should be applied:

> If there is any legitimate or rational state policy which justifies the bizarre, crazy-quilt fracturing of various geographic, ethnic and political communities in the Assembly plan, this particular [communi-

> ty of interest] argument would fail. Appellants assert that no such legitimate rationale exists.

(App. Brief at p. 26).

Even *assuming arguendo* that such a claim based upon the alleged "crazy-quilt" of the shapes of the districts could be stated, it falls under the overwhelming evidence adduced at trial of the many rational state purposes underlying the district configurations. As was demonstrated at trial, principal among the rational State policies reflected in the plan was the constitutional imperative of the Voting Rights Act which, by its very nature, produces oddly shaped districts.[19] In addition, compliance with the one person/one vote rule, and with New York State Constitutional requirements such as observance of county lines, and complex block-on-border and town-on-border rules, account for irregular shaping.

The law is clear that when a statute does not use a classification based on a suspect criterion such as race, nationality, alienage, or gender, the law will not be found to violate the Equal Protection Clause unless it has no reasonable or rational basis. *See, e.g., Exxon Corp. v. Eagerton*, 462 U.S. 176, 196 (1983); *Hodel v. Indiana*, 452 U.S. 314, 331 (1981).

As the State plan utilizes no suspect classification and is rationally based, it does not violate the Equal Protection Clause.

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[19] As previously noted, Appellants do not appeal the determination of the three-judge court that the State plan complies with Section 2 of the Voting Rights Act, a challenge they mounted below.

CONCLUSION

Given this Court's consistent declaration that "legislative reapportionment is primarily a matter for legislative consideration and determination . . ." *Reynolds v. Sims*, *supra*, 377 U.S. at 586; *Connor v. Finch*, *supra*, 431 U.S. at 414; *Chapman v. Meier*, *supra*, 420 U.S. at 27; *White v. Weiser*, 412 U.S. 783, 794-95 (1973); *Maryland Committee for Fair Representation v. Tawes*, 377 U.S. 656, 676 (1964), and given the deference that a state redistricting law is accorded as a constitutionally compliant enactment, *Clements v. Fashing*, 457 U.S. 957, 962-63 (1982), and for all of the reasons described above, it is respectfully submitted that the appeal should be dismissed, or, in the alternative, that the decision of the three-judge court should be affirmed.

Respectfully submitted,

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November 4, 1992